

CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 17-2003

Being a by-law to provide for the licencing, registration and regulation of dogs and kennels and for the determination of compensation to be allowed for impounding and detaining of dogs and to repeal By-law No. 54-1999 in its entirety.

WHEREAS the Council of the Corporation of the Township of Melancthon pursuant to the provisions of the Municipal Act, 2001, and amendments thereto has authority to enact this by-law.

WHEREAS the additional related powers are granted in the Dog Owners' Liability Act, R.S.O. 1990, c.D.16, the Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, c.L.24 and the Pounds Act, R.S.O. 1990. c. P.17.

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. **DEFINITIONS**

For the purpose of this by-law,

1.1 "Canine Control Officer" means:

- (a) a person or class of person designated as such by a by-law of the Township;
- (b) any person, company, corporation or association providing a dog control service by contract to the Township;
- (c) any employee, agent, servant and representative of such person, company, corporation or association, and;
- (d) any member of the police force of the Township.

1.2 "Blind Person" means a person to whom an identification card has been issued by the Attorney General or an officer of this Ministry, pursuant to the provisions of Section 4 of the Blind Person's Rights Act, R.S.O., 1980, C.44.

1.3 "Dog" means a male or female dog over the age of twelve (12) weeks but does not include a guide dog.

1.4 "Guide Dog" means a dog which serves as a guide or leader for a blind person and which has been especially trained for that purpose.

1.5 "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 outside or from a common hallway or stairway inside and which is located in a residentially zoned part of the Township.

1.6 "Kennel" means that part of a building or structure or premises where dogs are kept for purposes of breeding or boarding.

1.7 "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.

1.8 "Licence" means a licence issued pursuant to the by-law.

1.9 "Owner" includes a person possessing or harboring a dog within the Township and where the owner is a minor, the person responsible for the custody of the minor.

1.10 "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.

- 1.11 "Tag" means a disc or other shape of metal or plastic furnished by the Township as hereinafter provided and suitable to be securely fixed on a dog.
- 1.12 "Township" or "Municipality" means the Corporation of the Township of Melancthon.
- 1.13 "Veterinarian" means a person registered to practice veterinary science under the Veterinarians Act, R.S.O. 1999, c.V.3.
- 1.14 "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.
- 1.15 "Aggressive Dog" means a Dog that has chased or approached any person or persons in a menacing fashion or where the dog has inflicted injury by biting, attacking or killing a domestic animal, where the domestic animal so bitten, attacked or killed was not the property of the dog owner, or the person harboring the dog.
- 1.16 "Working Dog" means any dog used for a specific purpose ie - sled dogs, sheep dogs, hunting dogs
- 1.17 "Clerk" means Clerk of the Corporation of the Township of Melancthon, not withstanding that this person may also be the treasurer of the said corporation.
- 1.18 "Treasurer" means Treasurer of the Township of Melancthon, not withstanding that this person may also be the clerk of the said corporation.

2. LICENCING

- 2.1 Every owner of one or more dogs shall register on or before the 1st day of April in each year each dog owned by him/her in the Corporation of the Township of Melancthon with the Clerk or someone designated by him/her and at that time pay to the Treasurer the licence fee prescribed in Schedule A attached hereto and forms part of this by-law.
- 2.2 Every Licence issued pursuant to this section shall expire on the 31st day of December in the year which it was issued.
- 2.3 Every owner may or shall file with the Clerk or someone designated by him/her a recent photograph of each dog with description sufficient to identify such dog, together with the name and address of the owner. The Clerk or someone designated by him/her shall issue to such owner a receipt acknowledging registration of the dog and payment of the licence fee.
- 2.4 Upon payment of the licence fee for a dog the Clerk of the Municipality or someone designated by him/her shall provide the owner with a dog tag and the owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced. The tag shall bear the serial number and the year it was issued.

3. CANINE CONTROL

- 3.1 For the purpose of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under control of any person.
- 3.2 Every person having control of a dog in a place other than his/her premises or the premises of the owner shall secure the dog to a lead and shall keep hold of such lead.
- 3.3 No owner of a dog shall allow the dog to run at large within the limits of the Municipality.

Exception: Dogs being used for legitimate hunting purposes;
Police Working Dogs, Guide Dogs and Working Dogs

- 3.5 No owner shall allow his/her dog to become a nuisance by excessive barking or howling. Any person aggrieved by such a nuisance may appear before a Justice of the Peace and swear out an information charging such Owner with a Breach of this Section.
- 3.6 Notwithstanding the provision of Section 3.5, a Canine Control Officer appointed to enforce this by-law, may on reasonable and probable grounds lay an information before a Justice of the Peace charging the dog owner with a breach of this Section.
- 3.7 Every owner of a dog or person who harbors a dog and allows it to run at large contrary to Section 3.3 or permits his/her dog to become a nuisance under Section 3.5 of this By-law is guilty of an offence and upon conviction is liable up to six months in jail and/or a fine of up to \$2,000.00 inclusive of costs recoverable under the Provincial Offences Act.
- 3.8 A canine control officer may seize and impound any dog found running at large and deliver the dog to the pound. The canine control officer shall notify the Clerk of the Municipality when a dog has been delivered to the pound. A citizen shall notify the Clerk of the Municipality prior to delivering a dog to the pound to get Clerk's permission. The Council of the Municipality shall, from time to time, designate a place or places, within or outside the municipality as the Township of Melancthon pound or pounds.
- (a) No person shall keep anymore than three (3) dogs unless a kennel licence has been obtained from the Municipality.
- 3.9 The pound keeper shall restore possession of the dog to the owner only where:
- (a) The owner claims possession of the dog within five (5) days after the date of seizure and impounding; and
- (b) The owner may redeem such dog by paying to the pound keeper the sum of \$25.00 for the 1st day and \$15.00 per day thereafter until the dog has been impounded for 5 days.
- (c) The person redeeming such dog purchases a tag from Melancthon Township Municipal Office or produces a current tag if previously purchased.
- 3.10 Where, on the fifth day, after the date of seizure and impounding, possession of the dog has not been restored to the owner under Section 3.9, a pound keeper may in his discretion:
- (a) sell the dog; release it to a suitable new owner with appropriate fees;
- (b) or destroy the dog in a humane manner;
- and no damage or compensation shall be recovered or recoverable on account of its disposition or destruction.
- 3.11 Where a dog seized or impounded is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, a canine control officer or pound keeper may destroy the dog in a humane manner as soon after seizure as he sees fit without permitting any person to claim possession of the dog and without offering it for sale and no damages or compensation shall be recovered or recoverable on account of its destruction. Whenever feasible, the canine control officer shall seek an opinion as to the need to destroy the dog, for humane reasons, from a veterinarian and where the owner is known, said owner is responsible for professional fees charged by the attending veterinarian.

4. **KENNELS**

- 4.1 No person shall own, operate, manage, control or supervise any kennel except in accordance with this by-law.
- 4.2 The owner of a breeding kennel or a boarding kennel shall:

- (a) be a member of the Canadian Kennel Club;
- (b) obtain a kennel licence from the Council before the 1st day of April in each year;
- (c) as a prerequisite to obtaining a kennel licence, the owner shall:
 - (i) have the kennel inspected by a canine control officer;
 - (ii) pay the annual licence fee contained in this by-law.

4.3 Each kennel shall:

- (a) Be soundly constructed;
- (b) Provide sufficient space therein for the dog or dogs which are kept therein to stand and lie in comfort;
- (c) Be kept in a sanitary, well ventilated, clean condition and free of offensive odors;
- (d) Contain therein facilities to which each dog has adequate access for fresh water for drinking;
- (e) Be kept at a reasonable temperature and be adequately ventilated having regard to the season or weather conditions;
- (f) Be constructed so as to ensure that each dog kept therein shall have space for adequate exercise either within the kennel or adjacent thereto;
- (g) The manner in which dog excrement will be disposed of shall be done in accordance with safe practices approved by the canine control officer.

4.4 Dogs shall not be kept in larger numbers than may be adequately cared for upon the premises and they shall be in charge or care of the owner, or owner or operator of the kennel or of a responsible person designated by the owner or operator.

4.5 The by-law enforcement officer or any other officer of the peace having jurisdiction within the Municipality may enter the kennel and inspect such kennel, only after consulting with the owner and during daytime hours, to ensure compliance with this by-law.

4.6 The kennel operator shall at all times take the necessary steps to prevent a nuisance by undue noise caused by the barking of dogs housed within the kennel.

4.7 Each owner or operator of a kennel shall keep a record of the following at the kennel:

- (a) the name and address of each owner of each dog at the kennel;
- (b) the date of arrival and departure of each dog.
- (c) any appropriate registration or licensing identification

4.8 The owner of a kennel shall keep each dog confined within the kennel unless such dog is out with and under the control of the said owner or some person designated by him to have such control, pursuant to Section 3.2

Exception: Dogs being used for legitimate hunting purposes.

4.9 A licence may be revoked upon any breach of any of the regulations contained in this by-law.

4.10 No kennel licence issued pursuant to this by-law may be transferred.

4.11 The owner of a breeding and boarding kennel shall pay an annual licence fee of \$150.00.

4.12 The owner of dogs used for legitimate hunting purposes shall pay an annual licence fee of \$50.00.

5. VICIOUS or AGGRESSIVE DOGS

- 5.1 (a) The Canine Control Officer or Officer shall be empowered to declare that a Dog is vicious or aggressive upon:
- (i) receipt of a signed declaration in the form attached hereto as Schedule "B", by a person who saw the vicious or aggressive Dog attack or by a person who was attacked by the Dog.

- (b) The By-law Enforcement Officer, Police Officer or Canine Control Officer may within two days of receipt of 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 or Aggressive Dog required that the dog be muzzled and restrained pursuant to the provisions of this by-law.
- 5.2
- (a) Where the dog has been declared vicious by the By-law Enforcement Officer, Police Officer or Canine Control Officer, pursuant to the provisions of this by-law, 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 5.2 (a) shall be made in writing and delivered by personal service or registered mail to the Clerk of the Municipality within fifteen (15) days after the Notice to Muzzle has been mailed to the owner.
 - (c) Upon receipt of the application for a hearing from an owner served with a Notice to Muzzle, the Council of the Municipality 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 5.1 seven (7) days written notice by personal service or registered mail of the time, date and location of the hearing.
 - (d) The Municipality, the Owner of the Dog and the person that signed the Declaration pursuant to Section 5.1 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 vicious or aggressive Dog attack.
 - (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.
- 5.3
- (a) When this by-law takes effect, an Appeal Committee shall be appointed by Council of the Corporation of the Township of Melancthon.
 - (b) 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 hearing.
 - (c) The decision of the Appeal Committee is final and binding.
 - (d) 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 make any other order that the Appeal Committee deems just, or may dispose of the appeal on Consent of all parties.
 - (e) 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.
 - (f) 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 by-law shall be governed by the Statutory Powers and Procedures Act.
 - (g) 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, which occurs first.

- (h) 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, By-law Enforcement, and Township Council.

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

- (a) while the Dog 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:
- (a) 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;
- (b) 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;
- (c) the Dog is under the control of a person sixteen (16) year of age or older.
- (c) 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 Municipality;
- (d) the By-Law Enforcement Officer, Police or Canine Control Officer is notified within forty-eight (48) hours of any changes to the residency of the Dog;
- (e) the By-Law Enforcement Officer, Police or Canine Control Officer is notified within forty-eight (48) hours after the Ownership of the Dog is transferred;
- (f) the By-Law Enforcement Officer, Police or Canine Control Officer is notified within ten (10) days after the dog has died.

6. **SHORT TITLE**

6.1 This by-law shall be known as the "The Canine By-law" of the Township of Melancthon.

7. **EFFECTIVE DATE**

8.1 This by-law shall take effect and come into force on the date of passing.

By-Law read a first and second time this 5th day of June, 2003

By-Law read a third time and passed this 5th day of June, 2003


REEVE


CLERK

SCHEDULE "A" TO BY-LAW No. 17-2003

- | | | |
|----|--|---------|
| 1) | Fee for the first dog, if only <u>one</u> dog is kept. | \$20.00 |
| 2) | Fee for the second dog harboured or maintained in any one household. | \$25.00 |
| 3) | Fee for the third dog harboured or maintained in any one household. | \$60.00 |
| 4) | An additional fee of \$10.00 will be charged for each dog which has not been spayed or neutered. | |

DECLARATION REGARDING A VICIOUS DOG

Owner of Dog: _____
Mailing Address: _____
Municipal Address: _____
Name of Dog: _____ Dog Tag #: _____
Breed: _____ Gender: _____
Colour: _____
Other: _____
Rabies Tag #: _____ Other Identification: _____
Location of Incident: _____

Description of Incident: _____

Date of Incident: _____ Time of Incident: _____

Signature of Witness who actually saw the alleged Vicious Dog bite a person or Domestic Animal _____ Date _____

Signature of Bylaw Enforcement Officer,
Police Officer or Canine 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 purpose for which it was collected, Questions about this collection of information should be directed to the Clerk for the Corporation of the Township of Melancthon, R.R. # 6, Shelburne, Ontario L0N 1S9, (519) 925-5525 or Fax (519) 925-11

NOTICE TO MUZZLE

To: _____ Date: _____
(Owner of Dog)

Address: _____

Description of Dog:

Name: _____

Breed: _____ Colour: _____

Dog Tag: _____ Year of Dog Tag: _____

Rabies Tag No. Including the Year: _____

Veterinary's Office: _____

Tattoo No: _____ Microchip No: _____

The Corporation of the Township of Melancthon is in receipt of a Declaration duly executed by a Bylaw Enforcement Officer, Police Officer or Canine Control Officer pursuant to Section 4.1 (a)(i) of bylaw # _____, that the Dog described above did on the _____ day of _____ bite a person or 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
- 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 Corporation of Township of Melancthon. This notice was mailed to you on _____, _____. 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 Clerk-Treasurer of the Corporation of the Township of Melancthon, R.R. # 6, Shelburne, Ontario L0N 1S9.

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 purpose for which it was collected, Questions about this collection of information should be directed to the Clerk for the Corporation of the Township of Melancthon, R.R. # 6, Shelburne, Ontario L0N 1S9, (519) 925-5525 or Fax (519) 925-1110.

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