

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE
BY-LAW NUMBER 09-01

BEING A BY-LAW FOR THE LICENCING AND REGISTRATION OF DOGS AND FOR THE REGULATION OF DOGS WITHIN THE TOWNSHIP OF CRAMAHE.

WHEREAS pursuant to the Municipal Act 2001, S.O. c.25, Section 11(3) (9) municipalities have the authority to pass by-laws with respect to animals;

AND WHEREAS the Dog Owners Liability Act R.S.O. 1990 Section 18 creates offences and obligations for dog owners.

AND WHEREAS the Council of the Corporation of Cramahe deems it expedient to pass such a by-law for the licencing and registration of dogs and for the regulation of dogs within the Township of Cramahe;

NOW THEREFORE the Council of The Corporation of Cramahe HEREBY ENACTS as follows:

DEFINITIONS:

1. For the purpose of this by-law the following definitions shall apply;
 - a) **Animal Control Officer** includes the person who has entered into a contract with the Corporation of the Township of Cramahe to control dogs and any servants or agents of such person;
 - b) **Animal Shelter** shall mean the shelter with which the Municipality has an agreement for the housing of dogs picked up by the Animal Control Officer;
 - c) **By-law Enforcement Officer** shall mean any person appointed by the Municipality to enforce by-laws, or any agent thereof;
 - d) **Dangerous Dog** shall be a dog that, in the absence of any mitigating factors has attacked, bitten or caused injury to a person or domestic animal, or has demonstrated a propensity, tendency or disposition to do so. The Animal Control Officer, or the By-Law Enforcement Officer shall make this designation;
 - e) **Dog** shall mean a male or female dog that is twelve weeks or older;
 - f) **Kennel** shall mean the building and adjoining property that dogs have access to and for which a kennel permit has been obtained;
 - g) **Mitigating Factor** means any circumstance, which 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.
 - iv) the dog is a Police Dog in the performance of his duties.
 - h) **Municipality** shall mean the Corporation of the Township of Cramahe;
 - i) **Owner** shall mean and include any person who possesses or harbours an animal, with **Owns** and **Owned** having the corresponding meaning. For the purposes of this by-law any household shall be deemed to have one owner or tenant;
 - j) **Puppy** shall mean any male or female dog under the age of twelve weeks, and the onus of proof shall be on the owner.

LICENSING PROVISIONS

DOG TAGS:

2. Every owner of a dog shall procure a licence for the current year from the Municipality, the Animal Control Officer, or any agent thereof.
3. Every animal shall be inoculated with an anti-rabies vaccine at least every 24 months and a certificate of proof must be produced at the time of purchase of a licence, or at the request of the Animal Control officer or By-Law Enforcement Officer.
4. Every dog tag shall bear the serial number and year in which it was issued and a record shall be kept by the Treasurer of the Municipality showing the name and address of the owner and the serial number of the tag.
5. The owner shall keep the dog tag securely fixed on the dog it was issued for until the

tag is replaced.

6. Should a dog tag become lost, the owner shall upon payment of a Replacement Fee as outlined in Appendix "A" be entitled to the issuance of a replacement tag and licence.
7. The Fee for every licence issued pursuant to this by-law shall be outlined in Appendix "A", attached and forming part of this by-law, which may be amended from time to time by resolution.

KENNEL PERMITS:

8. At no time shall more than three (3) dogs reside on the same property at the same time, unless a kennel permit has been lawfully issued for the property.
9. Provided all provisions of this by-law have been met, a person who owns or boards more than three (3) dogs may obtain a Kennel Permit from the Municipality.
10. The holder of a Kennel Permit will receive a dog tag free of charge for each dog kept at the kennel and the tag will be attached to that dog.
11. The 'Kennel' comprises all areas of the property (including buildings and run areas) that the dogs have access to.
12. The By-law Enforcement officer prior to a License being issued will review all new Kennel Applications (Appendix "C") submitted.
13. No portion of the kennel, including the run area, will be closer than:
 - a) 305 metres (1000 feet) of a neighbouring house; or
 - b) 30.5 metres (100 feet) of the front lot line; or
 - c) 91.5 metres (300 feet) of the rear or side lot lines.
14. Kennels existing before 1 January 2009 are grandfathered.

DANGEROUS DOGS

15. Where a dog is designated dangerous pursuant to Section 1(c), the Animal Control Officer or the By-Law Enforcement Officer shall serve notice on the owner of said dog as set out in Appendix "B", attached to and forming part of this By-Law, and the owner shall comply with the following provisions:
 - a) To 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. The pen shall provide humane shelter for the dog.
 - b) When not confined in accordance with paragraph (a), to keep the dangerous dog under the effective control of an adult person and on a leash of not more than one meter in length.
 - c) To securely attach an effective muzzle to the dog at all times that it is not confined in accordance with paragraph (a).
 - d) To provide the Animal Control Officer, or By-Law Officer with a new address and telephone number within two working days of moving the dog, selling the dog, giving the dog away, or the death of the dog.
 - e) To forthwith advise the Animal Control Officer, or the By-Law Enforcement Officer if the dangerous dog is at large, or has bitten or attacked any person or domestic animal.
 - f) To display signs warning of the presence of a dangerous dog. The signs must be clearly visible to anyone entering the property and meet the approval of the Animal Control Officer or By-Law Enforcement Officer.
 - g) Purchase a dangerous dog licence and keep the tag affixed to the dog at all times.
16. Any person other than the Animal Control Officer or By-Law Officer who feels a dog should be designated dangerous in accordance with the definition of a dangerous dog may submit in writing the reasons why they feel the dog should be so designated, and shall include any and all incidents that have occurred involving the dog. This request shall be forwarded to the Animal Control Officer or the By-Law Enforcement Officer who shall investigate the request and shall uphold or deny the request to designate the dog based on that investigation. The Animal Control Officer, or By-Law Enforcement

Officer shall notify the owner of the dog of his decision. Notice shall be given in the form of Appendix “B”, attached to and forming part of this By-Law and may be amended from time to time.

17. The owner of any dog that has been designated as dangerous may inform the By-Law Enforcement Officer in writing that they intend to appeal the designation within seven days of being served notice.
18. Any owner of a dog that has been designated dangerous and is unable or unwilling to comply with the requirements outlined in Section 10, shall surrender said dog to the Animal Control Officer. No dog that has been designated dangerous shall be adopted out within the Municipality.

APPEAL PROCESS

19. Appeals shall be heard as soon as practicable after receiving notice pursuant to Section 14. The appeal committee will be retained ad hoc, comprised of one Municipal Councilor and two members of the community.

DOGS AT LARGE

20. No owner of any dog shall allow the dog to run at large within the limits of the Municipality. For the purpose of this by-law a dog shall be deemed to be at large when found elsewhere than on the property of the owner and not under the control of a competent and responsible person. Only an animal on a maximum two-meter long leash, escorted and under the control of such person will be deemed to be under control.
21. A Peace Officer or and Animal Control Officer may:
 - a) Seize and impound any animal found running at large and deliver same to the Animal Shelter facility used by the Municipality, and
 - b) Restore possession to the owner thereof where:
 - i) The owner claims possession of the animal within the time period as set out in the pound policies, and
 - ii) The owner pays the pound or its agent a penalty fee as set out in Appendix “A” of this by-law plus any outstanding medical costs.
 - iii) If the animal does not bear a tag, the owner shall purchase a tag at the fees set out in Appendix “A” from the pound before possession is returned to the owner and the Animal Control Officer shall submit records of the registration and fees to the Municipality.
 - iv) If the Animal Control Officer is unable to seize the animal found to be at large contrary to this by-law and the Animal Control Officer knows the owner of such animal, he may require the owner to pay a penalty fee as set out in Schedule “A”.
 - c) Where at the end of the approved time period for keeping an animal, possession of the animal has not been restored to the owner, the Animal Shelter or his agent may sell, or dispose of the animal by killing the animal in a humane manner and no damages or compensation from the Shelter or the Municipality. If the Animal Shelter sells any dog to anyone who resides in the Municipality, he shall sell them a dog tag and submit records of purchaser and fees to the Municipality.
 - d) 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 kill the animal in a humane manner at his discretion without any liabilities.
 - e) The Municipality hereby designates the Animal Shelter, the Treasurer, or their authorized agents for the purpose of licensing animals within the Municipality and all fees shall be remitted to the Municipality.
 - f) An animal owner who becomes aware that his dog has been impounded by the Animal Control Officer must attend the Animal Shelter within two days to procure the animal and pay the required fees and penalties.
 - g) Where an injured dog is impounded or other wise detained and requires the immediate attention of a Veterinarian, the Animal Control Officer may deliver the injured dog to a Veterinarian for treatment or euthanization at his discretion and the owner, if known, will be responsible for all costs incurred. No damages or compensation shall be recoverable by the owner or any other person.

GENERAL PROVISIONS

22. No owner shall allow his dog to make noise that would be disturbing to other residents.
23. Every owner of a dog, or person who has a dog under their control shall immediately remove any excrement left by such dog on any privately or publicly owned lands within the boundaries of the Municipality and shall dispose of the excrement in a sanitary manner.
24. No owner of a dog shall knowingly or not knowingly allow the dog to attack or bite a person or domestic animal.
25. 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. 2005 by way of an application under Part IX of the Provincial Offences Act.
26. 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 as provided in the Provincial Offences Act.
27. This by-law shall come into effect on the date of passing thereof.
28. By-Law 05-101 is hereby repealed.

Read the first time this 13th day of January 2009.

Read the second time this 13th day of January 2009.

Read a third time and enacted this 13th day of January 2009.

Marc Coombs, Mayor

Christie Alexander, C.A.O./Clerk

TOWNSHIP OF CRAMAHE
BYLAW 09-01
APPENDIX “A”

Fees for licencing and impounding dogs within
The Township of Cramahe

| | |
|---|----------|
| Male or female dog. Licence purchased 1 January to 28 February, for the year. | \$15.00 |
| Male or female dog. Licence purchased 1 March to 31 December, for the year. | \$25.00 |
| Male or female dog. Deemed to be Dangerous. | \$100.00 |
| Animal Shelter Impound Fee | \$100.00 |
| Dog Tag replacement Fee | \$2.00 |
| Kennel Permit Fee | \$100.00 |

**TOWNSHIP OF CRAMAHE
BY-LAW 09-01
APPENDIX “B”**

NOTICE OF DANGEROUS DOG

I, _____,

the Animal Control Officer, or By-Law Officer of the Township of Cramahe, have reasonable grounds to believe that the dog residing at _____

is a “Dangerous Dog” as defined in the Township of Cramahe By-Law Number 09-01.

You are hereby ordered to comply with the following provisions in order to keep the dog in the Township of Cramahe:

- 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 Dangerous Dog, while preventing escaping there from and preventing any entry therein of unsupervised persons.
- b) To keep the Dangerous Dog under effective control of an adult person and on a leash of not more than 1 meter in length when it is not confined in accordance with paragraph (a).
- c) To securely attach a muzzle to the Dangerous Dog at all times when it is not confined in accordance with paragraph (a).
- d) To provide the Animal Control Officer, or By-Law Officer with a new address and telephone number within two working days of moving, selling, or giving the Dangerous Dog away.
- e) To advise the Animal Control Officer, or By-Law Officer within two days of the death of the Dangerous Dog.
- f) To advise the Animal Control Officer, or By-Law Officer forth with if the Dangerous Dog is running at Large, or has bitten or attacked a person or a domestic animal.
- g) To display at the front of the house where it can not be easily removed, but is visible to any person who may enter onto the property a sign warning of the presence of the Dangerous Dog. The Animal Control Officer, or the By-Law Officer must approve such sign.

It is also my duty to inform you that you can appeal this designation of a “Dangerous Dog” by submitting your request for an appeal in writing to the By-law Officer within seven days of being served this notice. Said request will be forwarded to the Appeal Committee, and shall be heard as soon as practicable after receipt, and you shall be notified when the time and date of the hearing is confirmed. The Committee’s decision shall be deemed to be final and may include, but is not limited to:

- a) affirming or rescinding the Dangerous Dog designation, or;
- b) substituting its own requirements of the owner of the Dangerous Dog pursuant to Section 15 of By-law 09-01.

DATE

SIGNATURE

APPENDIX “C”
TOWNSHIP OF CRAMAHE
BYLAW 09-01

APPLICATION
KENNEL LICENCE

NEW _____ RENEWAL _____ PREVIOUS LICENCE# _____

LICENSE NUMBER ISSUED: _____

1) Applicant’s Name: _____

Address _____

Postal Code _____ Telephone _____

2) Kennel Location:

Address _____

3) Kennel Description and Location on Property: _____

Size of Lot: _____

I solemnly declare that, to the best of my knowledge, the above information is true and complete in all respects.

Signature of Applicant Date

Note:

- 1. This License cannot be transferred to any other persons.
- 2. As kennels are permitted only on approved properties, the kennel location cannot be changed except with the approval of the issuer of Kennel Licenses.

THESE LICENCES ARE FOR A CALENDAR YEAR ONLY

Kennel Regulations:

- 1. A ‘**Kennel Permit**’ is required for any property that houses more than three (3) dogs at one time.
- 2. The kennel comprises all areas of the property (including buildings and run areas) that the dogs have access to.
- 3. A current year dog tag will be issued at no charge and attached to each dog in the kennel.
- 4. No portion of the kennel, including run area, will be closer than:
 - a) 305 metres (1000 feet) of a neighbouring house,
 - b) 30.5 metres (100 feet) of the front lot line, or
 - c) 91.5 metres (300 feet) of rear or side lot lines.
- 5. Kennels existing before 1 January 2009 are grandfathered.
- 6. New Kennel Permit Applications will require a site visit.

Approved by: _____

Issued by: _____

In accordance with the provisions of the Municipal Freedom of Information Act, 1989 (sections 28 and 29), we are requesting this information for the purpose of:

- (a) making a determination of the application; and
- (b) maintaining a business record upon acceptance.

Our authority for the collection of this information is the Municipal Act. Any questions should be directed to the Town Clerk, 1 Toronto Road, P.O. Box 357, Colborne, ON K0K 1S0, Telephone 905-355-2821.

Dog Tags Issued In Conjunction With This License: _____, _____, _____, _____,
_____, _____, _____, _____, _____, _____.

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

Set Fine Schedule

Part I Provincial Offences Act.

By-Law Number 09-01, a by-law for the Licencing and Registration of Dogs,
And for the Regulation of Dogs within the Township of Cramahe.

| Item | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 Set Fine |
|------|---|--|----------------------|
| 1 | Owner Fail to Procure Dog Licence | 2 | \$75.00 |
| 2 | Fail to Produce Certificate of Rabies Vaccination on Request. | 3 | \$75.00 |
| 3 | Fail to Keep Dog Tag Attached to Dog Issued for. | 5 | \$75.00 |
| 4 | Allow more than Three Dogs to Reside on The Same Property. | 8 | \$75.00 |
| 5 | Owner Fail to Keep Dangerous Dog Confined to Dwelling or Approved Pen. | 15(a) | \$105.00 |
| 6 | Owner Allow Dangerous Dog to Run At Large. | 15(b) | \$105.00 |
| 7 | Owner Fail to Secure Muzzle on Dangerous Dog that is not Confined. | 15(c) | \$105.00 |
| 8 | Fail to Post Approved Warning Sign. | 15(f) | \$105.00 |
| 9 | Fail to Purchase Dangerous Dog Licence. | 15(g) | \$105.00 |
| 10 | Owner Allow Dog to Run At Large. | 20 | \$75.00 |
| 11 | Owner Fail to Procure Dog From Pound. | 21(f) | \$75.00 |
| 12 | Owner Allow Dog to Disturb Other Residents. | 22 | \$75.00 |
| 13 | Owner Fail to Remove Excrement Left by Dog. | 23 | \$75.00 |
| 14 | Owner Allow Dog to Bite a Person. | 24 | \$400.00 |
| 15 | Owner Allow Dog to Bite a Domestic Animal. | 24 | \$200.00 |

NOTE: The general penalty provision for the offences listed above is section 26 of bylaw 09-01; a certified copy of which has been filed.