

**CORPORATION OF THE TOWNSHIP OF TUDOR
AND CASHEL**

BY-LAW 14-2003
Schedule 'A'

Dog Licence Fees

ITEM	PURPOSE	FEE
1	First Dog	\$5.00
2	Each Additional Dog	\$3.00
3	Replacement of Lost Tag	\$1.00
4	Recording Fees for More Than Three Dogs	\$2.00 Each Dog Including Tag
5	Commercial Kennel Licence	\$25.00

*See Council -
Each additional dog
SHOULD READ - EACH ADDITIONAL DOG
UP TO THREE dogs*

CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL

BY-LAW 14-2003 Schedule 'B'

Set Fine Schedule Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Defining Offence	COLUMN 3 Set Fine (includes costs)
1	Fail to Licence	Section 2	\$40.00
2	No Tag Affixed to Dog	Section 7 (a)	\$40.00
3	Dog Running At Large or Trespassing	Section 13	\$55.00
4	Keeping or Allowing Prohibited Dog to be Kept	Section 15	\$75.00
5	Failure to Secure Restricted Dog	Section 21	\$75.00
6	Restricted or Prohibited Dog in Commercial Kennel	Section 22	\$75.00
7	Owner Fails to Remove Dog Excrement From Playground Areas	Post Signs	\$40.00
8	No Commercial Kennel Licence	Section 11	\$40.00

The penalty provisions for the offences indicated above is Section 24 of By-Law 14 -2003, a certified true copy is attached.

The Animal Control Officer is directed to give notice and a warning and on any further occasion the charge or fine may be issued.

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A By-law which provides for the licensing of dogs and the regulating of keeping of dogs in the Township of Tudor & Cashel.

WHEREAS the Municipal Act, 2001, Sections (103) (104) and (105) provides that by-laws may be passed by the Councils of local municipalities for prohibiting or regulating the keeping of animals or any class thereof within the municipality.

WHEREAS the Municipal Act, (2001) provides that by-laws may be passed by the Councils of local municipalities for licensing and regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them and;

WHEREAS the Municipal Act, 2001, Section 103 provides that by-laws may be passed, by the Councils of local municipalities for prohibiting or regulating the running at large of dogs in the Municipality, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the bylaw and;

WHEREAS in the interests of public safety and order, the Council of the Corporation of the Township of Tudor & Cashel deems it necessary and expedient to regulate and licence dogs in the municipality and prohibit certain types or classes thereof;

NOW THEREFORE the Council of the Corporation of the Township of Tudor & Cashel HEREBY ENACTS AS FOLLOWS:

1. Definitions.

- a) "Dog" means a male or female dog.
- b) "Enclosed pen" means a containment pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the restricted dog while preventing it from escaping there from and preventing entry therein of unsupervised children.
- c) "His" or other word(s) imparting the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and vice versa;
- d) "Commercial Kennel" means an establishment for the breeding and/or boarding of over six dogs where purebred dogs are kept, bred or raised and registered with an association incorporated under the Animal Pedigree Act (Canada) for profit or gain, or, a place or confined area where dogs are kept bred or raised for profit or gain but are not recognized as purebred with an association.
- e). "Mitigating factor" means a circumstance which excuses aggressive behavior of a dog and, without limiting the generality of the foregoing may include circumstances where the dog was, at the time of the aggressive behavior:
 - i) acting in defense to an attack by a person or domestic animal;
 - (ii) acting in defense of its young or to a person or domestic animal trespassing the property of its owner; or
 - (iii) being teased, provoked, or tormented.

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- f) **"Municipality"** means the Corporation of the Township of Tudor & Cashel or the Township of Tudor & Cashel;
- g) **"Animal Control Officer"** means the Animal Control Officer for the corporation of the Township of Tudor & Cashel or, that person appointed to act in his capacity as a Provincial Offences Officer.
- h) **"Muzzle"** means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting as approved by the Animal Control Officer;
- i) **"Owner of a dog"** includes any person who owns, possesses, harbors, or has the care and control of a dog and "owns" and "owned" have a corresponding meaning;
- j) **"Person"** includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply;
- k) **"Potentially dangerous dog"** means a dog that,
- (i) in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling; or
- (ii) a dog that in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- (iii) a dog that has been impounded by the Animal Control Officer or for whom the owner has been convicted on a total of three occasions with a twenty-four (24) month period for such dog running at large in the municipality.
- m) **"Pit Bull dog"** means a dog of any age which can be identified as a dog of one or more of the following breeds or mixed breeds by the Animal Control Officer
- (i) Pit Bull Terrier
- (ii) American Pit Bull Terrier
- (iii) Pit Bull
- (iv) Staffordshire Bull Terrier
- n) **"Pound"** means the designated Animal Shelter/Pound.
- o) **"Prohibited dog"** means:
- (i) a Pit Bull dog that is not a restricted dog; or,
- (ii) a Pit Bull dog, previously designated as a restricted dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- p) **"Restricted dog"** means:
- (i) a dog that is a Pit Bull dog and
- (ii) a dog already owned and living within the Municipality prior to the passing of this Bylaw and has no previous history as a potentially dangerous dog.

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- q) **"Running at large"** means a dog found in any place other than the premises of the owner of the dog and not under the control of any person;
2. Subject to Section 9. of this By-law every owner of a dog shall annually, not later than a date appointed by the clerk, in each year within seven (7) days of becoming an owner of a dog, cause the dog to be licensed with the municipality.
 3. Upon application for a licence, the owner of a dog may be required to produce a certificate signed by a practicing veterinarian, that the dog has been inoculated with an anti-rabies vaccine within the period of twenty-four (24) months immediately prior to the date of application for a licence.
 4. All licences and tags pursuant to this By-law shall be serially numbered and a record of the issue shall be kept by the Animal Control Officer. Such record shall set out the name and address of the owner, the name of the dog and color and markings of the dog.
 5. At the time of registration, the owner/applicant shall be required to pay to the Municipality the required licence fee pursuant to Schedule " A to this By-law.
 6. On payment of the licence fee for a dog, the owner shall be furnished with a dog tag from the municipality or the Animal Control Officer which shall bear the serial number relating to the application, the name and address of the owner and the year in which the tag is valid.
 7. The owner of a dog shall:
 - a) keep the dog tag securely affixed on the dog for which it was issued at all times until renewed or replaced but the tag may be removed while the dog is being lawfully used for hunting in the bush.
 - b) not use the tag upon a dog other than the one for which it was issued.
 8. The fee charged for the replacement of lost dog tags shall be as set out in Schedule " A to this By-law.
 9. The owner of a commercial kennel of dogs shall pay to the municipality the fee set out in By-Law 14-2003 and is not liable to pay any further licence fee other than a fee to record and the cost of the tags under this By-law.
 10. Every licence for a dog issued hereunder is personal to the owner thereof and may not be assigned or transferred.
 11. No person shall keep or allow to be kept on a single property in the municipality, more than six dogs unless a Commercial Kennel Permit has been issued as required in the provisions of BYLAW 14-2003. ✓
 13. Dogs are prohibited from running at large in the municipality and no owner of a dog shall allow the dog to run at large and no owner shall permit or allow a dog to trespass on any private property.
 14.
 - a) Any dog found to be running at large may be seized and impounded by the Animal Control Officer or any person acting under his authority.
 - b) The Animal Control Officer or any person acting under his authority may destroy any dog he finds running at large if:

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- (i) he reasonably believes the dog is likely to cause imminent harm to any person or animal;
- (ii) the dog is classified as a prohibited dog as described in this By-law;
- (iii) the dog is injured or should be destroyed without delay for humane reasons;

and no damages or compensation shall be recovered on account of such disposition.


15. No person shall keep or allow to be kept, a prohibited dog, on a property in the municipality .
16. a) The Animal Control Officer may designate a dog as a prohibited dog, potentially dangerous dog, or a restricted dog.
- b) The Animal Control Officer, upon finding a restricted dog that is not being kept in accordance with the provisions of Section 21. of this By-law, shall forthwith declare the dog to be a **Prohibited dog** and seize and dispose of such dog. Section 17 of this By-law shall not apply in this situation.
17. a) Where the Animal Control Officer designates a dog as a prohibited dog or a potentially dangerous dog other than as set out in Section 16. b), the Animal Control Officer shall serve notice upon the owner of such dog. If the Animal Control Officer has not seized and impounded the prohibited dog or potentially dangerous dog, the notice shall require the owner, upon receipt of such notice, to deliver the dog, subject of such notice. within 6 (six) working days to the Pound.
- b) (i) The notice referred to in 17. a) shall include a statement from the Animal Control Officer that he has reason to believe that the dog is a potentially dangerous dog or a prohibited dog, as the case may be; and,
- (ii) the notice shall also include a statement from the Animal Control Officer that the dog will be disposed of in a humane manner; and,
- (iii) the notice will indicate to the owner of the dog that he has a right to challenge the said designation of the dog by in making a request in writing to the Clerk of the Corporation of the Township of Tudor & Cashel, within five (5) working days of receipt of the notice of the Animal Control Officer, and is entitled to, a hearing by the Council of the Corporation of the Township of Tudor & Cashel which may affirm or rescind the Animal Control Officer's designation based on the definition provided herein this By-Law and the evidence provided by the Animal Control Officer; and,
- (iv) the notice shall be delivered by hand or prepaid registered mail to the said Clerk; in the event of service by prepaid registered mail, the notice shall be deemed received on the fifth working day after the date of mailing.
18. Where the owner of a dog who receives a notice from the Animal Control Officer designating such dog as a potentially dangerous dog or a prohibited dog, requests a hearing under Section 17.
- b) Council shall hold a hearing to affirm or rescind the Animal Control Officer's designation of the dog within thirty (30) working days of receipt of the request.

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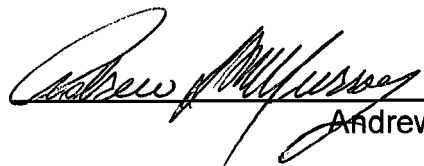
19. Any dog seized pursuant to Sections 14. or 17. shall be taken to the pound or shelter operated by the Animal Control Officer for the Corporation of the Township of Tudor & Cashel or other pound as defined in this By-law.
- 20 a) Where a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for a pound fee prescribed and, shall pay such fee on demand made by the Animal Control Officer.
- b) Where a dog has been impounded for three consecutive days (exclusive of Statutory Holidays and Sundays), excluding dogs impounded under Section 17. of this By-law; and possession has not been restored to the owner, the Animal Control Officer may destroy the dog in a humane manner or otherwise dispose of the dog as he/she sees fit, and no damages or compensation shall be recovered from the Animal Control Officer or the municipality on account of its death or other disposition.
21. The owner of a restricted dog as defined by this By-law shall, at all times, ensure that such dog, when it is not in the owner's dwelling but, otherwise within the boundaries of the owner's lands, be secured in one of the following manners so as to prevent the dog from escaping from the owner's lands and to prevent the dog from causing injury to any person or animal entering onto the owner's lands:
- a) the dog shall be kept in an enclosed pen as defined in this By-law; or
- b) the dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog by means of a leash or chain, not more than 2.4 meters (8 feet) in length.
22. No person shall operate a commercial kennel containing a restricted dog or a prohibited dog as defined by this By-law.
23. Every owner of a dog shall remove forthwith and dispose of any excrement left by his dog on any property in the municipality other than his own property.
24. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act. This By-Law is also subject to By-Law 12-91 or subsequent land use Bylaws with respect to commercial kennels.
25. This By-law comes into force and takes effect upon the date of repeal of By-law 7-87.

READ a first and second time this 7th day of October, 2003.

READ a third time and finally passed, signed, sealed and numbered 14-2003 this 7th day of October, 2003.



Wanda Donaldson
Deputy Reeve



Andrew McMurray
Clerk

I, _____ hereby certify this to be a true copy of
By-law 14-2003 passed in open Council on October 7th, 2003.

Date _____

Signature _____