

THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 08-2002

BEING A BY-LAW TO REQUIRE THE MUZZLING AND LEASHING OF DOGS WHO HAVE BITTEN A PERSON OR DOMESTIC ANIMAL

WHEREAS Section 210, Paragraph 10 of the Municipal Act, R.S.O. 1990, c.M.45, as amended, authorizes the Council of a municipality to pass by-laws for requiring the muzzling or leashing of a dog after it has bitten a person or domestic animal;

AND WHEREAS the Council of the Corporation of the Town of Cobourg deems it advisable to enact such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF COBOURG ENACTS AS FOLLOWS:

DEFINITIONS

1. For the purpose of this by-law:
 - (1) AAnimal Control Officer@ shall mean the person appointed as such by resolution or by-law of the Council from time to time;
 - (2) AClerk@ shall mean the Clerk of the Corporation of the Town of Cobourg;
 - (3) ACouncil@ shall mean the elected Council for the Town of Cobourg;
 - (4) Adomestic animal@ shall mean any animal kept by a person as a pet;
 - (5) Amuzzled@ shall mean the secure placement of a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog over the mouth of the dog that cannot be removed by the dog and that shall prevent the dog from biting or attacking a person or domestic animal;
 - (6) Aowner@ shall mean and include a person who, whether temporarily or permanently, owns, possesses, keeps or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor; and
 - (7) APolice Dog@ shall mean a dog trained for and actually engaged in law enforcement for the Ontario Provincial Police, the Cobourg Police or other person duly appointed by the Town of Cobourg as a peace officer.

ORDER TO MUZZLE

2. (a) Upon receipt of a duly sworn Affidavit from a witness who saw a dog bite a person or domestic animal, the Animal Control Officer shall, if the owner of the dog is known or made known to the Animal Control Officer, promptly thereafter deliver or send by fax or registered mail to the owner of the dog an Order requiring that the dog be muzzled and leashed (herein called an AOrder to Muzzle@).

- (2) Where an owner of a dog has received an Order to Muzzle, the owner may apply for a hearing by Council in respect of such Order to Muzzle.
- (3) An Application for a hearing under Subsection 2(b) of this By-law shall be made in writing and shall set out the reasons for appealing the Order to Muzzle. The Application shall be received by the Clerk within thirty (30) days after the date the Order to Muzzle was received by the owner, failing which the Order to Muzzle is final and binding.
- (4) Notwithstanding that an Applicant has applied for a hearing by Council regarding an Order to Muzzle, the Order to Muzzle takes effect immediately when it is received by the person to whom it is delivered or sent and remains in effect for so long as the dog shall live unless the Council makes a decision on an appeal to rescind the Order to Muzzle, in which case the Order to Muzzle shall remain in effect until the date a decision to rescind is issued by Council.

HEARING

3. (a) Upon receipt of an Application for a hearing from an owner who has received an Order to Muzzle (Athe Applicant@), the Council shall convene a hearing within thirty (30) days of receipt of the Application and the Clerk shall give the Applicant and the person(s) who saw the dog bite a person or a domestic animal a minimum of seven (7) days written notice by fax, personal service or registered mail of the time, date and location of the hearing.
 - (2) The Applicant and any other interested person may appear at the hearing and present oral or written information relating to the dog.
 - (3) When the Applicant does not attend at the designated time and place, the Council may proceed with the hearing in his or her absence and the Applicant shall not be entitled to any further notice of the proceeding.

DECISION

4. (a) The Council shall, after hearing the information presented, render its decision to confirm or rescind the Order to Muzzle at the hearing or shall reserve its decision to be presented at a later date, which date shall not be later than fifteen (15) days following the date of the hearing.
 - (2) In reaching a decision to confirm or rescind an Order to Muzzle, the Council may take into consideration the following circumstances:
 - (1) The dog=s past and present temperament and behaviour.
 - (2) The seriousness of the injuries caused by the biting or attack.
 - (3) Contributing circumstances tending to justify the dog=s action.
 - (4) The probability that a similar attack will be repeated.
 - (5) The dog=s physical potential for inflicting harm.
 - (6) Precautions taken by the owner to preclude similar acts in the future.
 - (7) Any other circumstances that the Council considers to be relevant.

- (3) The Notice of the hearing or any matter which arises relating to the proceedings of the Council not covered in the provisions of this By-law shall be governed by the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22,, as amended.
- (4) The decision of Council to confirm or rescind an Order to Muzzle is final and binding on the Owner and all other persons having an interest in the matter.

REQUIREMENT TO MUZZLE AND LEASH

- 5. The owner of a dog that has received an Order to Muzzle shall from thereafter ensure that:
 - (1) the owner has taken all reasonable steps to ensure that the dog will not bite, chase or attack a person or domestic animal on any property including that of the owner; and
 - (2) when it is on the property of the owner, the dog is tethered on a chain of a strength capable of restraining the dog or confined within a building, structure or fence capable of preventing the escape of the dog; and
 - (3) when a dog is on property other than that of the owner:
 - (1) the dog is securely leashed and muzzled in a manner that prevents the dog from biting, chasing or attacking a person or a domestic animal; and
 - (2) the dog is under the control of a person at least sixteen (16) years of age and physically capable of restraining the dog; and
 - (4) the Animal Control Officer is notified within forty-eight (48) hours of any changes to the residency of the dog; and
 - (5) the Animal Control Officer is notified within forty-eight (48) hours after the ownership of the dog is transferred to another person; and
 - (6) the Animal Control Officer is notified upon the death of the dog.
 - (7) the dog has received a rabies vaccination and that a copy of the vaccination certificate is provided to the Clerk.

EXEMPTION

- 6. The provisions of this By-law shall not apply to a Police Dog.

REGISTRY

- 7. The Clerk shall keep a registry at the municipal offices recording the particulars of all dogs with respect to whom an Order to Muzzle has been issued. The owner of every such dog shall notify the clerk within seven (7) calendar days of any change in the owner=s address.

NOTICE

- 8. All notices, orders, applications for hearing or other communications required by this By-law shall be given in writing by personal delivery or by fax or by registered mail and such notices, orders, applications for hearing or other communications shall conclusively be deemed to have been received when

