

THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NO. 009-2008

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 TOWN OF COBOURG

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

AND WHEREAS the Council of the Corporation of the Cobourg deems it expedient to pass such a by-law for the licensing and registration of dogs and for the regulation of dogs within the Town of Cobourg;

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of Cobourg hereby ENACTS as follows:

1. DEFINITIONS:

- 1.1 That for the purposes of this bylaw the following definitions shall apply:
- a) Animal shall mean any dog, cat or puppy.
 - b) Animal Control Officer shall mean any person appointed by the municipality whose duties include the enforcement of this by-law and shall include the person who has entered into a contract with the Corporation of the Town of Cobourg to control animals and any delegate or agent of such person.
 - c) Animal Shelter shall mean The Shelter of Hope with which the municipality has an agreement for the housing of animals 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) Control and Muzzle Order shall mean the order issued to the owner of a dog by the Animal Control 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 or domestic animal.
 - g) Dog shall mean a male or female dog that is twelve (12) weeks or older.
 - h) Dog tag shall mean a numbered tag issued by the Municipality for a particular dog in accordance with provisions of this By-law.
 - i) Host Municipality shall mean the municipality in which a dog's owner resides.
 - j) Mitigating factor shall mean any circumstance which reasonably excuses aggressive behaviour of a dog and may included, but is not limited to:
 - (i) the dog was, at the time of aggressive behaviour, acting in defence of an attack by a person or domestic animal, or
 - (ii) the dog was at the time of aggressive behaviour, acting in defence 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 aggressive behaviour, being teased, provoked or tormented.
 - k) Municipality shall mean the Corporation of the Cobourg.
 - l) Owner shall mean a person who possesses or harbours an animal as defined in Section 1.1 (a) above and, where the owner is a minor, the person responsible for the custody of the minor shall be deemed to be the owner.
 - m) Peace Officer shall include a Police Officer for the municipality or anyone working under his or her direct authority.
 - n) 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.
 - o) Running at large shall mean any animal as defined in Section 1.1 (a) above that is found any place other than the premises of the owner and is not under the control of any person.

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.
- i) Dog tags may be obtained from the Treasurer of the Corporation of the Town of Cobourg, the Animal Control Officer or the Animal Shelter.
 - ii) Each dog residing in a dwelling unit requires a dog tag;
 - iii) The following information is required in order to obtain a dog tag:
 - a) the name, address and telephone number of the owner;
 - b) the name, approximate age and gender of the dog;
 - c) if the dog is spayed or neutered;
 - d) a general description of the dog including it's colour, distinguishing marks/physical characteristics and the breed;
 - e) 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.
 - f) whether a Muzzle Order has ever been issued.
- 2.2 No owner of a dog shall fail to ensure that the dog has been inoculated with an anti-rabies vaccine within the previous twenty (24) months.
- 2.3 No owner of an animal shall fail to 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.
- 2.4 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.
- 2.5 No person or owner of a dog shall fail to keep the tag issued for a dog securely fixed on the dog.
- 2.6 Should a dog tag become lost, the owner shall upon payment of a replacement fee as outlined in Section 2.1 (e) above be entitled to the issuance of a replacement tag and license.
- 2.7 No person shall keep or permit to be kept more than three dogs within or about any dwelling unit within the designated settlement area identified on attached map (see Appendix "B") regardless of whether that person is the owner of the dogs, save and accept properties containing kennel licenses, approved businesses and veterinary offices.
- 2.8 The Municipality hereby designates the Animal Shelter, the Treasurer, or their authorized designate or agent for the purpose of licensing animals within the Municipality and all fees shall be remitted to the Municipality.
- 2.9 That Cobourg Police Services Dogs, while engaged in Police duties shall be exempted from provisions of this section of the by-law.

3. DOG OWNERS OBLIGATIONS:

- 3.1 No person who owns, harbours or keeps a dog will cause, allow or permit the dog to:
- (a) bite or attack a person or other domestic animal or
 - (b) behave in a manner that poses a menace to the safety of persons or other domestic animals.

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. CONTROL AND MUZZLE ORDER:

- 5.1 The Animal Control Officer in his or her sole discretion may issue a control and Muzzle Order (See Appendix A) upon receipt of a written complaint that:
- (a) a dog has bitten or attacked a person or domestic animal; or

- (b) a dog has behaved in a manner that poses a menace to the safety of persons or domestic animals or
- (c) an owner did not prevent a dog from:
 - (i) biting or attacking a person or domestic animal or
 - (ii) behaving in a manner that poses a menace to the safety of people or domestic animals.

5.2 Notwithstanding other sections of the By-law, when a Control and Muzzle Order has been served on the owner of a dog, the owner:

- (a) shall 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) shall, 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 one metre in length;
- (c) shall ensure that the dog is muzzled at all times that it is not confined in accordance with paragraph (a);
- (d) shall 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) shall 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) shall 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; and
- (g) shall not contravene any other conditions imposed in the Control and Muzzle Order.

5.3 The Animal Control Officer responsible for administering the Animal Shelter shall maintain a record of all Orders to Control and Muzzle and shall notify the Host Municipality and local police authority of the issuance of the Order to Control and Muzzle and shall supply a copy of such Order to the Host Municipality and local police authority.

5.4 Any owner of a dog to whom a Control and Muzzle Order has been issued and is unable or unwilling to comply with the requirements of the Control and Muzzle Order shall surrender the dog to the Animal Control Officer or Peace Officer.

6. CONTROL AND MUZZLE ORDER – APPEAL:

6.1

- (a) The owner of a dog to which a Control and Muzzle Order has been issued may request and is entitled to a hearing by a committee of the Municipal Council which may exempt the owner from the muzzling or leashing requirement or both.
- (b) An owner who wishes to have a hearing as a result of a Control and Muzzle Order has 7 days from the day of the receipt of the Order to file a request for a hearing with the Clerk of the Municipality. The Clerk shall provide a copy of the notice to the Animal Control Officer.

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.
- (c) 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 third (3rd) 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.

- (d) The committee shall hold a hearing with the date and place set out in the notice referred to in this section and the committee may:
- (I) exempt the owner from the muzzling and/or leashing requirements,
 - (ii) confirm the muzzling and/or leashing requirements,
 - (iii) vary the muzzling and/or leashing requirements and other requirements of the Order, or
 - (iv) combine any exemption confirmation or variance as it sees fit.
- (e) The decision of the committee shall be final and binding.
- (f) An application made by the owner for a hearing under this section does not act as a stay of the Control and Muzzle Order which shall take effect on the day it is served or deemed served, and shall continue to be effective until the committee renders a decision indicating otherwise.

7. ANIMALS AT LARGE:

- 7.1 No person shall cause, permit or allow any animal that the person owns, harbours or controls to run at large within the Municipality. For the purposes of this By-law, an animal shall be deemed to be running at large if the animal is found at any place other than the premises of the owner of the animal and is not under the control of any person.
- 7.2 A dog shall not be deemed to be under control unless accompanied by a person 12 years of age or over and further that the dog is on a leash of a maximum length of 2 metres or other effective means.
- 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 is given discretion to 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 that the owner's animal has been impounded by the Animal Control Officer or Peace Officer shall attend or contact the Animal Shelter forthwith upon being notified to procure the animal and pay or make arrangements to pay the required fees and penalties.
- 7.6 Where an animal's owner has been notified of the impoundment and fails to contact or attend the Shelter within four (4) days, the owner of said animal shall be responsible for any fees incurred by the Animal Shelter regardless of the length of time the animal is at the Animal Shelter and 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 fees and charges payable under this 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 to be euthanized 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.

8.0 ENTITLEMENT TO POSSESSION OF ANIMAL:

- 8.1 (a) The owner of an animal impounded for running at large shall be entitled to redeem the animal within 4 days from the time of impoundment, exclusive of the day of impoundment, statutory holidays and days during which the Shelter of Hope is otherwise closed upon paying the necessary fees and expenses that have been incurred by the Animal Shelter in caring for the animal.
- (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.

