

THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NUMBER NO. 11- 02

DOG BY-LAW

BEING A BY-LAW TO PROVIDE FOR THE KEEPING, CONTROL AND LICENSING OF DOGS

Explanatory note: The Province of Ontario has dealt with dogs in various statutes and regulations. Some provisions are merely enabling municipalities to pass by-laws in certain respects. Other provisions are very specific, and municipalities have no jurisdiction to vary them. This by-law repeats some of the specific provisions, so that the residents of the municipality have a handy reference in one place to most dog-related laws. Where the by-law simply repeats a statutory provision, there is a reference to the statute at the end of the section in the by-law.

WHEREAS the Municipal Act, R.S.O. 1990. c. M.45, in section 210 allows Councils of local municipalities to pass by-laws regulating the keeping of animals, to provide for animal identification systems, requiring leashing of dogs, and for prohibiting and regulating the running at large of dogs in a municipality; and in s. 102 to pass by-laws in general for the health, safety, morality and welfare of its inhabitants; and in S. 210 #140 to prohibit and regulate public nuisances, and

WHEREAS 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;

WHEREAS the Municipality recognizes its responsibility to protect the general public while at the same time encouraging responsible dog ownership and the humane care and welfare of dogs in the Municipality;

NOW THEREFORE the Council of the Township of Mulmur enacts as follows:

1. Definitions

Adoption Agency means the Alliston and District Humane Society and the Orangeville and District Branch of the Ontario Society for the Prevention of Cruelty to Animals.

Bite means piercing or puncturing the skin as a result of contact with a dog's tooth or teeth.

Bite (Severe) means piercing or puncturing the skin as a result of contact with a dog's tooth or teeth, that requires stitches or similar medical attention.

Canine Control Officer means a person so designated by the Municipality.

Dog means any dog male or female apparently over the age of 50 days.

Doghouse means a freestanding enclosure offering protection from the elements for a dog or dogs when sleeping or resting.

Dog run means an enclosure allowing freedom of movement and exercise for a dog or dogs.

Dog kennel shelter means an enclosed area in a kennel structure or building offering protection from the elements for a dog or dogs when sleeping or resting.

Dog Exercising Yard means a large enclosed area used intermittently for the free running exercise of dogs but not utilised for the continuous shelter and containment of dogs.

Guard Dog means a dog left unattended for any portion of a day or night on business, commercial or industrial premises.

Guide Dog means a dog trained as a guide for a disabled person and having the qualifications prescribed by the regulations to the Blind Persons' Rights Act, R.S.O. 1990, c. B.7, or having certification by Hearing Ear Dogs of Canada or Special Skills Dogs of Canada.

Keep includes harbour

Kennel means the entire area and structures of a licensed kennel, licensed purebred kennel or licensed pound, which are designed for the shelter, and containment of dogs.

Leash means a physical restraint system giving the handler effective direct control of the dog.

License Fee Collector means the Treasurer and any other person so appointed under the provisions of this By-Law.

Licensed Kennel means a kennel licensed under this by-law;

Licensed Purebred Kennel means a purebred kennel licensed under this by-law;

Licensed Pound means a pound licensed under this by-law or a duly licensed pound in another municipality

Lot means a parcel of land upon which a temporary or permanent structure is used as a residence.

Microchip means an approved Canadian standard, encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database accessible to the Canine Control Officer.

Municipality means The Corporation of the Township of Mulmur.

Muzzle means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.

Obedience Course means a certificate of completion of an obedience course, given by a member of the Canadian Association of Professional Pet Dog Trainers.

Obedience Course means a certificate of completion issued by a recognised dog-training institute or a Canine Good Citizen Certificate.

Owner includes any person who possesses or harbours a dog or causes a dog to remain on or about his or her premises (whether the premises are owned or rented), and where the owner is a minor, the person responsible for the custody of the minor. In the case of several Owners, their obligations shall be joint and several. "**Own**" shall have a meaning patterned on Owner.

Panel means the panel established under section 14.(a).

Pound Keeper means the person or persons so appointed by the Municipality.

Resident means a full time, part time or seasonal occupier of a lot within the Municipality.

2. Licensing of dogs

(a) No person shall own an unlicensed dog.

(b) Every owner of a dog shall obtain a license in respect of the dog within 15 days of its acquisition. In the event of an underage dog the date of its acquisition is deemed to be the 50th day after its birth.

(c) Every owner of a dog shall obtain an annual license in respect of the dog on or before the thirtieth day of March each calendar year. The acquisition license provided for in the previous paragraph shall be deemed to be the annual license as well for the current calendar year.

(d) The license application shall be in the form attached as Schedule "A".

(e) The license fee shall be as established by Schedule "A". No license fee shall be payable in respect of a Guide Dog.

(f) The owner shall submit a completed and correct license application and the appropriate fee to the License Fee Collector, and upon satisfactory compliance with this by-law and other applicable municipal by-laws the license shall be issued by the License Fee Collector.

(g) The License Fee Collector may require independent proof of any particulars, such as a veterinary surgeon's certificate as to the dog having been spayed or neutered, proof of rabies vaccination in respect of dogs over four months of age, proof of successful completion of an obedience course, etc.

(h) A dog shall be deemed to be licensed while owned by, or harboured at, a Licensed Pound.

(i) A dog shall be deemed to be licensed while owned by, or harboured at, a Licensed Purebred Kennel or a Licensed Kennel, and the owning or harbouring is within the terms of a valid license issued to the Licensed Purebred Kennel or Licensed Kennel.

(j) A license issued upon a false license application is null and void.

3. Tags

(a) A metal tag shall be supplied by the License Fee Collector for each dog with respect to which a licence is issued.

(b) The owner shall keep the metal tag securely fixed on the dog at all times during the year and until s/he procures a metal tag for the following year except when the dog is being lawfully used for hunting during hunting season or when the dog is securely contained in a kennel structure or dog pen designed for the purpose of containing the dog.

(c) The metal tag shall bear a serial number and the year for which it was issued and the Treasurer or License Fee Collector shall keep a record for the purpose of showing the name and address of the owner and the serial number of the tag.

(d) The owner shall not fix on the dog or allow to remain fixed on a dog a metal tag unless it was issued for use upon the dog.

(e) The cost of a replacement tag shall be as established by Schedule "A".

(f) As an alternative to a metal tag, a microchip implant or a personalized tag or collar with the owner's phone number may be utilized, and the previous provisions relating to tags shall apply to with the necessary modifications. Particulars of the alternatives to the metal tag shall be provided by the owner on the dog license application.

4. Control of Dogs

(a) Protection of Livestock and Poultry

Any person may use reasonable means to control a dog that is found killing or injuring livestock or poultry. Any person may confine a dog that is attacking livestock or poultry. The Canine Control Officer shall apprehend a dog that has attacked livestock or poultry and deliver it to a Licensed Pound.

(b) Protection of persons

Any person may use reasonable means to control a dog that is attacking a person. Any person may confine a dog that is attacking a person. The Canine Control Officer shall apprehend a dog that has attacked a person and deliver it to a Licensed Pound.

(c) Running at large

(i) The running at large of dogs in the Municipality is prohibited.

(ii) 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 and not under the control of any person.

(iii) A dog is under the control of a person when the dog is physically restrained by a leash.

(d) Nuisance

(i) 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 information charging such Owner with a breach of this Section.

(ii) The owner of every dog shall immediately remove and dispose of in a sanitary manner the excrement left by his/her dog(s) on public property and on private property, other than the owner's property.

(iii) The owner of every dog shall make reasonable, regular and frequent efforts to keep the following areas of the owner's property free of excrement: within a 10 metre perimeter of the dwelling house and well, within a 7 metre perimeter of the driveway and walkway from the property entrance to the principal building.

(iv) No owner shall allow his/her dog(s) to scavenge amongst garbage or destroy garbage containers.

(e) Trespass

No owner shall allow his/her dog(s) to trespass on private property whether the dog is on or off leash.

(f) Impounding, sale and destruction

(i) Any person may confine a dog running at large. Such person shall contact the Canine Control Officer who shall then apprehend the dog and deliver it to a Licensed Pound.

(ii) Except as otherwise provided in this by-law, every dog seized under the provisions of this by-law and delivered to a Licensed Pound shall be confined in the Licensed Pound for the Specified Period. The Specified Period shall be five days, not including Saturdays, Sundays or statutory holidays in the municipality where the pound is located.

(iii) If the owner of the dog is not known, the Canine Control Officer or Pound Keeper shall make the following prompt efforts to identify the owner of the dog: (a) telephone the Municipal office for a search of dog registrations, (b) scan the dog for a microchip and telephone the Canadian Kennel Club and other microchip agencies in the event a microchip is located; (c) conduct a telephone search of the immediate area and nearby humane societies.

(iv) Promptly after the owner of the dog becomes known, the Pound Keeper shall telephone the owner of the dog at the number/s provided for in the dog license application, or at the numbers obtained through a search (Section 4 (f) (iii)) and at such additional numbers as may have been provided by the owner to the Pound Keeper, notifying the owner of the date and time of the seizure of the dog. The Pound Keeper shall also notify the owner if the dog is injured, sick, or diseased that it may be destroyed upon the recommendation of a veterinarian.

(v) An injured, sick or diseased dog may be destroyed for humane reasons, on the recommendation of a veterinarian.

(vi) Except where otherwise provided, the owner of any dog impounded under the provisions of this By-Law may redeem the same within the Specified Period after its delivery to the Licensed Pound, by paying into the hands of the said Pound Keeper, for the use of the Municipality unless otherwise provided, the Pound fees. If the owner refuses to pay the said fees, the sum shall be entered upon the collector's roll and the collector shall proceed to collect it in the same manner as other Municipal taxes.

(vii) If the impounded dog is not redeemed by the owner, the Pound Keeper shall offer the impounded dog to an Adoption Agency, at no cost to the Adoption Agency. In the event that the impounded dog is not so adopted, the Pound Keeper may adopt out such impounded dog. The Pound Keeper shall only adopt to an individual, other than the previous owner, who is adopting the dog apparently in good faith as a personal pet. In every case the adopter (if resident in the Township) shall comply with the licensing provisions of this by-law immediately upon the adoption. If the impounded dog is not so adopted, the dog shall be destroyed.

(viii) No dog shall be returned to the owner unless it has been licensed in accordance with the provisions of this by-law, and any owner of a dog without a license or a dog tag shall obtain a license and a dog tag for the current year before delivery is made.

(ix) The Pound fees shall be as established by Schedule "B".

(x) The financial liability of the Municipality to the Pound Keeper shall terminate with the expiry of the Specified Period.

(xi) The method of destruction employed for impounded dogs shall be lethal injection administered by a veterinarian.

5. Dogs that have bitten persons or animals; muzzles.

(a) Where the Canine Control Officer has reason to believe that a dog has bitten a person or domestic animal, the Canine Control Officer shall:

(i) Where the bite is the first bite on record with the Municipality, and where the bite occurred on the owner's premises, serve the owner with a Notice of Caution. Where the bite is a second bite on record with the Municipality, on the owner's premises, serve the owner with a Notice to Muzzle.

(ii) Serve the owner with a Notice to Muzzle if in his or her opinion the bite referred to in Subsection (a)(i) is severe.

(iii) Where the bite is a second severe bite on record with the Municipality, remove the dog to the pound and a panel decision will be made within seven (7) days to resolve the situation.

(b) Where the Canine Control Officer has reason to believe that a dog has bitten a person or domestic animal in the Municipality other than on the owner's premises, the Canine Control Officer shall serve the owner with a Notice to Muzzle.

(i) Where the bite is a second severe bite on record with the Municipality, remove the dog to the pound and a panel decision will be made within seven (7) days to resolve the situation.

6. Notice of caution and notice to muzzle; hearing; microchip.

(a). An owner who is served with a Notice of Caution or a Notice to Muzzle is entitled to a hearing by the Panel which may confirm the notice or exempt the owner from the muzzling requirements.

(b) To receive a hearing, the owner must mail or deliver to the Licence Fee Collector within 30 days after a copy of the Notice of Caution or Notice to Muzzle is served on the owner, notice in writing requesting a hearing.

(c) Although a hearing may be requested, a notice served pursuant to Section 5 takes effect when it is served on the person to whom it is directed.

(d) Once a Notice to Muzzle has been issued and properly served upon the owner of the dog, no person shall permit the dog to be off the premises of the owner unless properly muzzled.

(e) Once a Notice to Muzzle has been issued and properly served upon the owner of the dog, the dog shall be kept in a secure fenced area when on the premises of the owner. Secure means effective at preventing the dog's getting out and effective at preventing unsupervised access by children.

(f) For the purposes of Subsection (d), where an owner of a dog has exclusive possession of part of a building or property, “premises” means that portion of the property of which the owner has exclusive possession.

(g) Once a Notice to Muzzle has been issued and properly served upon the owner of the dog, the owner of the dog shall ensure that the dog is identified with a microchip.

(h) The owner of a dog restricted by a Notice to Muzzle shall obtain and maintain in force a public liability insurance issued by an insurer licensed by the Province of Ontario, providing third party liability coverage in the amount of not less than \$1,000,000.00 for any damage or injury caused by the dog, and the owner shall provide the License Fee Collector with a certificate of the policy and subsequent renewals. The policy shall contain a provision requiring the insurer to immediately notify the License Fee Collector should the policy expire, be cancelled or be terminated for any reason.

(i) The owner of a dog restricted by a Notice to Muzzle shall post Beware of Dog signs on her/his property.

(j) The Canine Control Officer shall impound a dog if the owner is in contravention of a notice to muzzle. The dog shall be dealt with in the same manner as a dog considered to be running at large.

7. Guard Dogs

(a) Keeping of Guard Dogs

- (i) The owner of a Guard Dog shall at all times confine the dog by
- (1) keeping the dog in a secure building; or
 - (2) keeping the dog within a secure fenced area.

Secure in this paragraph means effective at preventing the dog's getting out and effective at preventing unsupervised access by children.

(ii) The owner of a Guard Dog shall keep the dog muzzled when the dog is or can get to within one metre of persons who are lawfully in that location.

(iii) The owner of a Guard Dog shall obtain and maintain in force a public liability insurance issued by an insurer licensed by the Province of Ontario, providing third party liability coverage in the amount of not less than \$1,000,000.00 for any damage or injury caused by the dog, and the owner shall provide the License Fee Collector with a certificate of the policy and subsequent renewals. The policy shall contain a provision requiring the insurer to immediately notify the License Fee Collector should the policy expire, be cancelled or be terminated for any reason.

(iv) The owner of a Guard Dog shall post Guard Dog on Premises signs on his/her property.

8. Number of allowed dogs

(a) The number of dogs owned by a Licensed Purebred Kennel shall not exceed the numbers provided for in the license.

(b) The number of dogs harboured at a Licensed Kennel shall not exceed the numbers provided for in the license.

(c) The number of dogs harboured at a Licensed Pound shall not exceed the numbers provided for in the license.

(d) The number of dogs harboured at any other location with less than 8 hectares shall not exceed three.

(e) The number of dogs harboured at any other location with more than 8 hectares shall not exceed five.

9. Care and Welfare of Dogs

(a) Every owner of a dog and every operator of a facility licensed under this by-law shall provide safe and sanitary conditions for the dogs in the care of the owner or operator.

(i) The safe and sanitary conditions shall include appropriate shelter and protection from the elements as well as protection for the dogs from each other and from other animals. All materials used shall be durable and suitable.

(ii) In the case of licensed premises, in enclosed dog runs and dog kennel shelters, the safe and sanitary conditions shall include the conducting away of water and urine and the daily removal of excrement into a suitable receptacle, which shall be emptied and cleaned on a weekly basis.

(iii) A dog kennel shelter shall be a minimum of 1.5 metres by 1.5 metres in size and 1.2 metres in height.

(iv) A dog run shall be a minimum of 1.5 metres by 4.5 metres in size and 1.2 metres in height, suitable to safely contain the size of dog enclosed.

(v) A doghouse should be large enough for the dog to stand up, sit down, turn around and stretch out comfortably to the fullest extent of its limbs. It should be insulated, have an interior windbreak, exterior door flap and be elevated 15 cm off the ground, facing away from the prevailing winds but not so large that the dog is not able to maintain the heat inside.

(b) Every owner and every operator of a facility licensed under this by-law shall provide suitable nourishment and medical care for the dogs in the care of the owner or operator.

10. Licensed Premises

(a) An application or renewal for licensed premises shall be submitted in respect of each premise to be licensed every year on or before March 30 of the year in question.

(b) The license application shall be in the form attached as Schedule "C"

(c) The license and inspection fees shall be as established by Schedule "C".

11. Licensed Kennels

(a) A Licensed Kennel is an establishment licensed under this by-law that is used for any or all of the following purposes: boarding dogs, sheltering dogs, and training dogs.

(b) There shall not be more than 15 Licensed Kennels in the Municipality at any time.

(c) A Licensed Kennel shall be located on a lot containing at least 8 hectares, and the use must be permitted under the current zoning by-laws or the Niagara Escarpment Plan controls. Only one Licensed Kennel may be located on any one lot.

(d) The maximum number of dogs permitted in any one Licensed Kennel shall not exceed 30 dogs.

(e) Perimeter fencing is not required but every part of a Licensed Kennel containing dogs shall be fully fenced. The fence shall be a minimum of 1.2 metres in height, and of construction and robustness to securely contain all the dogs.

(f) Dog runs, pens, dog enclosures and all structures used in connection with the operation (excluding exercising yards) shall be

- at least 150 metres from any dwelling off the property,
- at least 16 metres from any drilled well and 33 metres from any dug well,
- behind the front set-back line of the dwelling on the property,

- and at least 33 metres from all public roads.
- (g) Exercising yards used in connection with the operation shall be
- at least 150 metres from any dwelling off the property,
 - at least 16 metres from any drilled well and 33 metres from any dug well,
 - and at least 33 metres from all property boundaries.
- (h) Owners and operators of Licensed Kennels shall keep a record of the number of dogs on the premises on each day. The record shall adequately identify the dogs and the owners of the dogs. The records shall be made available to the License Fee Collector and Canine Control Officer.
- (i) Owners and operators of Licensed Kennels shall have the kennels inspected every 24 month period by the Canine Control Officer. Upon notice, the Canine Control Officer may conduct more frequent inspections. In all cases, the Canine Control Officer shall take due care for the health and safety of the dogs and for the prevention of spreading of disease.
- (j) Every owner and operator of a Licensed Kennel shall comply with the requirements of this section and the license.
- (k) The license may be revoked for a breach of this By-law by the License Fee Collector. No conviction is necessary for proof of the breach. The License Fee Collector shall give written notice of the revocation of the license by delivering the same to the licensee or mailing or faxing to the address provided in the license.
- (l) The licensee may appeal in writing the revocation of the license to the Panel. The notice of appeal shall be served on the License Fee Collector.
- (m) The Panel shall hold a hearing, pursuant to the Statutory Powers Procedure Act and make a determination in the matter.

12. Licensed Purebred Kennels

- (a) A Licensed Purebred Kennel is an establishment licensed under this by-law that is used for any or all of the following purposes: boarding dogs, breeding dogs, training dogs, provided that all the dogs are registered or are eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
- (b) There shall not be more than 20 Licensed Purebred Kennels in the Municipality at any time.
- (c) Licensed Purebred Kennels shall be located on a lot containing at least 8 hectares, and the use must be permitted under the current zoning by-laws or the Niagara Escarpment Plan controls. Only one Licensed Purebred Kennel may be located on any one lot.
- (d) The maximum number of dogs permitted in any one Licensed Purebred Kennel shall not exceed 30 dogs.
- (e) Perimeter fencing is not required but every part of a Licensed Purebred Kennel containing dogs shall be fully fenced. The fence shall be a minimum of 1.2 metres in height, and of construction and robustness to securely contain all the dogs.
- (f) Dog runs, pens, dog enclosures and all structures used in connection with the operation (excluding exercising yards) shall be
- at least 150 metres from any dwelling off the property,
 - at least 16 metres from any drilled well and 33 metres from any dug well,
 - behind the front set-back line of the dwelling on the property, and
 - at least 33 metres from all public roads
- (g) Exercising yards used in connection with the operation shall be
- at least 150 metres from any dwelling off the property,
 - at least 16 metres from any drilled well and 33 metres from any dug well,
 - and at least 33 metres from all property boundaries.

- (h) Owners and operators of Licensed Purebred Kennels shall provide proof to the License Fee Collector and Canine Control Officer that all the dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act.
- (i) Owners and operators of Licensed Purebred Kennels shall keep a record of the number of dogs on the premises on each day. The record shall adequately identify the dogs and the owners of the dogs. The records shall be made available to the License Fee Collector and Canine Control Officer.
- (j) Owners and operators of Licensed Purebred Kennels shall have the kennels inspected every 24 month period by the Canine Control Officer. Upon notice, the Canine Control Officer may conduct more frequent inspections. In all cases, the Canine Control Officer shall take due care for the health and safety of the dogs and for the prevention of spreading of disease.
- (k) Every owner and operator of a Licensed Purebred Kennel shall comply with the requirements of this section and the license.
- (l) The license may be revoked for a breach of this By-law by the License Fee Collector. No conviction is necessary for proof of the breach. The License Fee Collector shall give written notice of the revocation of the license by delivering the same to the licensee or mailing or faxing to the address provided in the license.
- (m) The licensee may appeal in writing the revocation of the license to the Panel. The notice of appeal shall be served on the License Fee Collector.
- (n) The Panel shall hold a hearing, pursuant to the Statutory Powers Procedure Act and make a determination in the matter.

13. Exceptions

Notwithstanding any provision of this By-law to the contrary, and provided that any required relief from the provisions of the Zoning By-law has been obtained, Council may permit a licensed kennel or a licensed purebred kennel to be established, on a case by case basis, by an owner of a lot that does not meet the minimum 8.0 ha. lot area requirement, provided the minimum separation distance between the kennel and any existing dwelling units (or a building area on any adjacent vacant lots) is increased, and provided that the number of dogs that may be kept is decreased, in direct proportion to the variance from the requirement. The specific terms and conditions of each license issued under this Section shall be recorded in Schedule "E" to this by-law.

14. Licensed Pounds

The provisions of this paragraph apply only to establishments located in the Municipality.

- (a) A Licensed Pound is an establishment licensed under this by-law that is used for the confinement of dogs for a period not exceeding 30 days.
- (b) There shall be not more than 5 Licensed Pounds in the Municipality.
- (c) Licensed Pounds shall be located on a lot containing at least 8 hectares, and the use must be permitted under the current zoning by-laws or the Niagara Escarpment Plan controls. Only one Licensed Pound may be located on any one lot.
- (d) Perimeter fencing is not required but every part of a Licensed Pound containing dogs shall be fully fenced. The fence shall be a minimum of 1.8 metres in height, and of suitable construction and robustness to securely contain all the dogs.
- (e) Dog runs, pens, dog enclosures and all structures used in connection with the operation (excluding exercising yards) shall be
- at least 150 metres from any dwelling off the property,
 - at least 16 metres from any drilled well and 33 metres from any dug well,
 - behind the front set-back line of the dwelling on the property, and
 - at least 33 metres from all public roads
- (f) Exercising yards used in connection with the operation shall be

- at least 150 metres from any dwelling off the property,
 - at least 16 metres from any drilled well and 33 metres from any dug well,
 - and at least 33 metres from all property boundaries.
- (g) Owners and operators of Licensed Pounds shall have the kennels inspected every 24 month period by the Canine Control Officer. Upon notice, the Canine Control Officer may conduct more frequent inspections. In all cases, the Canine Control Officer shall take due care for the health and safety of the dogs and for the prevention of spreading of disease.
- (h) Every owner and operator of a Licensed Pound shall comply with the requirements of this section and the license.
- (i) The license may be revoked for a breach of this By-law by the License Fee Collector. No conviction is necessary for proof of the breach. The License Fee Collector shall give written notice of the revocation of the license by delivering the same to the licensee or mailing or faxing to the address provided in the license.
- (j) The licensee may appeal in writing the revocation of the license to the Panel. The notice of appeal shall be served on the License Fee Collector.
- (k) The Panel shall hold a hearing, pursuant to the Statutory Powers Procedure Act and make a determination in the matter.

15. Panel

- (a) Establishment of the Panel
- (i) A Panel is hereby established for the purposes of this by-law.
- (ii) The panel shall consist of all members of Council.
- (b) Procedure
- (i) The quorum of the Panel shall be three members.
- (ii) The Panel shall operate under the provisions of the Statutory Powers Procedure Act, and where not otherwise provided for in this by-law or by the rules made by the Panel, the provisions of that Act and regulations shall govern.
- (iii) Written notice of a hearing shall be given to the applicant and the dog owner and shall be delivered to the apparent owner of the dog, or posted upon the exterior of the principal building where the dog is found, or mailed to the owner of the dog or of the property where the dog is found (and the Municipality's record of the name and address of the owner in either case shall be conclusive proof), or posted in the Municipal office if none of the above information is available. Service shall be effective upon delivery, mailing or posting as the case may be.
- (iv) In the case of a license hearing, written notice shall be given to the applicant and the licensee or proposed licensee and shall be delivered or mailed or faxed to the applicant, licensee and/or proposed licensee at the addresses provided to the Municipality in the licence application or otherwise. Service shall be effective upon delivery, mailing or faxing, as the case may be.
- (v) The Panel shall hear appropriate and relevant evidence and shall make a written decision, with short reasons.
- (vi) The Panel may award costs of the hearing. The Panel may award costs of keeping the dog in the Licensed Pound pending the hearing.
- (c) Mediation
- (i) With the written consent of all the parties (in the form provided in Schedule D), the Panel may mediate in any matter dealt with by this by-law, but the findings and

decision of the Panel shall only be for the guidance and convenience of the parties and shall have no other legal status.

(ii) The Panel shall not undertake a mediation unless the mediation fee is paid in advance by the applicant.

(iii) The Chairman, or Alternate Chairman and the members of the Panel participating in a mediation shall not participate in a subsequent hearing involving the same incident, but shall not otherwise be disqualified from a hearing involving the same parties.

16. Administration

(a) Council shall by resolution provide for the appointment of one or more of persons to act as Pound Keeper, Canine Control Officer and License Fee Collector and shall provide for the terms of such appointment.

(b) A person when so required by the License Fee Collector shall within five calendar days deliver to the License Fee Collector a signed statement in writing of the number of dogs owned, possessed or harboured by the person in the municipality.

(c) Canine Control Officers shall carry out the duties assigned to them by this by-law and by resolution of Council.

(d) Pound Keepers shall carry out the duties assigned to them by this by-law and by resolution of Council. Pound Keepers shall provide suitable quarters in which to keep in a humane manner all the dogs that may be brought to them by the Canine Control Officers of the Municipality for disposal under the provisions thereof. Pound Keepers shall keep an accurate account of all dogs placed in the pound, including the date of receipt, times of feeding and watering, manner of final disposal, the methods of destruction of the same, amounts received by way of redemption fees and sales, the names and addresses of purchasers of dogs, and any other particulars as directed by the Treasurer or Council.

(e) No damage or compensation shall be recovered or recoverable on account of the seizure, disposition or destruction of any dog pursuant to this By-Law or any Act of the Legislation. In the event of any technical breach by the person so acting, the technical breach shall be excused if the person was acting in good faith.

17. Recovery of Expenses

(a) In all cases the Municipality shall have the right to recover from the owner of the dog the costs incurred by the Municipality in applying this by-law to the owner's dog.

(b) In all cases the Municipality shall have the right to recover from the owner of the dog the costs incurred by the Municipality in the first instance in connection with the owner's dog, such as in the cases of suspected rabies, etc.

(c) In all cases the costs of the Municipality shall include the actual payments made by the Municipality, together with its reasonable administrative charges.

(d) The provisions of this by-law shall be enforceable pursuant to the Municipal Act, R.S.O. 1990. c.M.45, s. 326.

18. Offences

(a) Every person who contravenes any part of ss. 2.(a), 2.(b), 2.(c), 3.(b), 3.(d), 4.(c)(i), 4.(d)(i), 4.(d)(ii), 4.(d)(iii), 4.(d)(iv), 4.(e), 6.(d), 6.(e), 6.(g), 6.(h), 6.(i), 7.(a)(i), 7.(a)(ii), 7.(a)(iii), 7.(a)(iv), 8.(a), 8.(b), 8.(c), 8.(d), 8.(e), 9.(a), 9.(b), 10.(a), 11.(i), 12.(j), 13.(g) of this by-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act and/or the Dog Owners' Liability Act.

(b) Each day of contravention shall be a separate offence.

(c) Notwithstanding the provisions of paragraph 17.(a), any person who contravenes any part of ss. 2.(a), 2.(b), 2.(c), 3.(b), 3.(d), 4.(c)(i), 4.(d)(i), 4.(d)(ii), 4.(d)(iii), 4.(d)(iv), 4.(e), 6.(d), 6.(e), 6.(g), 6.(h), 6.(i), 7.(a)(i), 7.(a)(ii), 7.(a)(iii), 7.(a)(iv), 8.(a), 8.(b), 8.(c), 8.(d), 8.(e), 9.(a), 9.(b), 10.(a), 11.(i), 12.(j), 13.(g), may voluntarily pay a penalty out of court as follows:

(i) written notice shall be given of the alleged contravention by delivery or by first class pre-paid mail.

(ii) payment shall be made within 21 days of delivery or mailing, at the Municipal office.

(iii) the penalties prescribed are as follows:

- with respect to the first contravention in any consecutive 12 month period payment of \$25.00,
- with respect to a second contravention within any consecutive 12 month period payment of the sum of \$50.00, and,
- with respect to a third contravention within any consecutive 12 month period payment of the sum of \$100.00,

(d) Notwithstanding the provisions of paragraph 17.(a), any person who contravenes any part of ss. 5.(a)(ii), 5.(a)(iii), 5.(b), 6.(d), 6.(e), 7.(a)(i), 7.(a)(ii), may voluntarily pay a penalty out of court as follows:

(i) written notice shall be given of the alleged contravention by delivery or by first class pre-paid mail.

(ii) payment shall be made within 21 days of delivery or mailing, at the Municipal office.

(iii) the penalties prescribed are as follows:

with respect to the first contravention in any consecutive 12 month period payment of \$100.00,

with respect to a second contravention within any consecutive 12 month period payment of the sum of \$200.00, and,

with respect to a third contravention within any consecutive 12 month period payment of the sum of \$500.00,

(e) Any contravention of any provision of this By-Law, in the preceding twelve months by the person charged, shall be counted as a previous contravention for the purpose of the preceding paragraphs.

(f) If payment is not made in accordance with these procedures, the fine is recoverable under the Provincial Offences Act and/or The Dog Owners' Liability Act.

Note: By making a voluntary payment of the penalty, the person making the payment avoids incurring court costs and the victim surcharge.

19. Interpretation

(a) This by-law shall be read with all changes in gender and number, as may be appropriate

(b) Any part of this by-law found to be illegal shall be severed from the balance of the by-law

20. That Schedules “A, B, C, & D” in By-law No. 11-02 may be updated as needed by a motion of the Council of the Township of Mulmur.

21. By-laws repealed

By-Law Nos. 31 -86 and 10-97 are hereby repealed.

Read a first and second time on

Read a third time and finally passed on

Terry Horner

Terry Horner, Clerk

Gord Gallagher

Gord Gallagher, Reeve

The Corporation of the Township of Mulmur Dog By-law

Dog Licence Application Schedule "A"

Dog 1	Dog 2	Dog 3
Name: _____	Name: _____	Name: _____
Male: <input type="checkbox"/> Female: <input type="checkbox"/>	Male: <input type="checkbox"/> Female: <input type="checkbox"/>	Male: <input type="checkbox"/> Female: <input type="checkbox"/>
Neutered Yes <input type="checkbox"/> No: <input type="checkbox"/>	Neutered Yes <input type="checkbox"/> No: <input type="checkbox"/>	Neutered Yes <input type="checkbox"/> No: <input type="checkbox"/>
Breed _____	Breed: _____	Breed: _____
Age: _____	Age: _____	Age: _____
Colour & Markings: _____ _____	Colour & Markings: _____ _____	Colour & Markings: _____ _____
Fee: _____ \$	Fee: _____ \$	Fee: _____ \$
Obedience discount \$.....	Obedience discount \$.....	Obedience discount \$.....
Subtotal: _____ \$	Subtotal: _____ \$	Subtotal: _____ \$
		Total: \$ _____

NEUTERED/SPAYED Before April 1st First Dog \$10.00 Second Dog \$15.00 Each Additional Dog \$40.00	NOT NEUTERED/NOT SPAYED Before April 1st First Dog \$30.00 Second Dog \$35.00 Each Additional Dog \$60.00
After March 31st First Dog \$20.00 Second Dog \$25.00 Each Additional Dog \$50.00	After March 31st First Dog \$40.00 Second Dog \$45.00 Each Additional Dog \$70.00
Proof of obedience course completion: 25% reduction	
Replacement tag \$5.00	
Spayed or neutered dog requires written certification of operation. For Guard Dogs, provide particulars of liability insurance: company, policy#, agent, amount carried:	
Alternative identification on dog: _____	

Address, including lot & concession: _____

Printed names of owners: _____

Mailing address: _____

Civic address or emergency number

Telephone numbers: _____

The undersigned certify that all of the above are true, correct and complete in listing all the dogs on the above property, and that all dogs over 4 months have had all their shots and vaccinations.

Date: _____

Signature: _____

The Corporation of the Township of Mulmur Dog By-law

SCHEDULE "B"

Pound Fees

The fees shall be the total of the applicable charges applied per residence per year.

	Licensed Dogs	Unlicensed Dogs
FIRST TIME OCCURRENCE		
Canine Control Officer charge & mileage, as billed		
Pound charge	\$50.00	\$75.00
Daily fee, any part of a calendar day	\$25.00	\$25.00
Veterinarian charges, as billed		
SUBSEQUENT OCCURRENCES		
Canine Control Officer charge & mileage, as billed		
Pound charge	\$75.00	\$100.00
Daily fee, any part of a calendar day	\$25.00	\$25.00
Veterinarian charges, as billed		

The Corporation of the Township of Mulmur Dog By-law

SCHEDULE "C"

Kennel & Pound Licence

This is an application for a Licensed Kennel , or a Licensed Purebred Kennel , or a Licensed Pound

Name of applicant/s (registered owner/s): _____

Business name: _____

Mailing address of applicant/s: _____

Civic address or emergency number

Telephone numbers: _____ (Home) _____ (Business) _____ (Cell)

_____ (Fax)

Names, addresses & telephone numbers of corporate officers:

Name of manager: _____

Mailing address of manager: _____

Civic address or emergency number

Telephone numbers of manager: _____

Legal description of property: _____

Sketch attached shows the true shape and dimension of the property; the location, height and dimensions of the kennel/pound structures and the location and dimensions of all runs used in connection with the kennel/pound.

Maximum number of dogs for which application is made and to which license is restricted: _____

	Before March 30	After March 30
Pound	\$150.00	\$250.00
Licensed Kennel	\$150.00	\$250.00
Licensed Purebred Kennel	\$150.00	\$250.00

The undersigned registered owners hereby certify that the above statements are true and complete and that the application and the facilities comply with all the requirements of the By-law.

Date: _____

Signatures of applicants: _____

A licence is granted for Licensed Kennel , or a Licensed Purebred Kennel , or a Licensed Pound , in terms of the above application and limited to the number of dogs specified above for the calendar year 200 .

Date: _____

Signature of License Fee Collector: _____

The Corporation of the Township of Mulmur Dog By-law

SCHEDULE "D"

Mediation Submission

The undersigned hereby apply to the Panel for mediation. The parties agree to abide by the terms of the by-law pertaining to the Panel carrying out mediation.

The parties to this mediation are as follows:

Name		
Mailing address		
Civic address or emergency number		
Physical location		
Telephone numbers		

The issues to be mediated are as follows:

Mediation fee of \$100, paid by:

Signatures of the parties: _____

The Corporation of the Township of Mulmur Dog By-law

SCHEDULE "E" – Exceptions

1. Rosehart - Roll Number 4-09910 - Part West Half Lot 21, Conc. 6 EHS

A licensed purebred kennel shall be permitted to be established on a lot of some 5.9 ha. provided the number of dogs is limited to not more than 15 and the separation distances to the nearest dwellings on the existing lots to the east and west is not less than 225 m. The existing riding arena situated in the south-west corner of the property shall not be used for the purposes of housing the dogs. Pursuant to conditions imposed by the Committee of Adjustment relating to the provisional approval of an application for a Minor Variance, this license is issued to David and Suzanne Rosehart only and it is not transferrable.

2. Mailhot – Roll Number 5-05450 – Part East Half Lot 21, Conc. 3 EHS

A licensed kennel shall be permitted to be established on a lot of some 7.0 ha. Provided the number of dogs is limited to not more than 9 in total (including those of the owner). Pursuant to conditions imposed by the Committee of Adjustment relating to the provisional approved of an application for a Minor Variance, the license for a kennel shall be issued to Mike and Dana Mailhot only, and it is not transferrable.