

BY-LAW NO.11-18
BEING A BY-LAW OF THE TOWNSHIP OF COLEMAN
TO REGULATE THE KEEPING OF ANIMALS AND THE
REGISTRATION OF DOGS

WHEREAS in accordance with Section 130 of the Municipal Act, S.O. 2001, Chapter M. 45, Part VII as amended, council may pass such by-laws of the municipality in matters not specifically provided for by the Act as may be deemed expedient and not contrary to law.

AND WHEREAS in accordance with Section 103 of the Municipal Act, S.O. 2001, Chapter M. 45 as amended, council may pass such by-laws of the municipality with respect to the being at large or trespassing of animals.

AND WHEREAS the Council of the Corporation of the Township of Coleman deems it expedient to regulate the keeping and control of animals in the Township of Coleman.

NOW THEREFORE the Council of the Corporation of the Township of Coleman enacts as follows:

PART I - GENERAL

1. DEFINITIONS

- 1.1. **AID DOG** shall mean a dog that is trained to aid the handicapped and is actively in use for such purpose.
- 1.2. **ANIMAL CONTROL OFFICER** means a person appointed by Council as a Municipal By-law Enforcement Officer to enforce the provisions of this By-law and includes a police officer.
- 1.3. **ANIMAL SHELTER** shall mean the premises designated by the Corporation of the Township of Coleman that are used for the detention, maintenance or disposal of animals that have been impounded pursuant to this By-law. The operation and maintenance of the designated Animal Shelter shall be the responsibility of the Animal Control Officer. Animal Shelter and Impound Centre shall have like meaning.
- 1.4. **AT LARGE** means to be found in any place other than the premises of the owner of the dog or cat and not under the control of a person in such a manner as to prevent escape.
- 1.5. **CAT** means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat.
- 1.6. **TOWNSHIP** means the Township of Coleman.
- 1.7. **CONTROL** includes care and custody.
- 1.8. **COUNCIL** means the Council of the Township of Coleman.
- 1.9. **DOG** means a male or female of the domesticated canine species
- 1.10. **DOG TAG** means a dog tag issued pursuant to this By-law.
- 1.11. **DWELLING UNIT** means one or more rooms connected together as a self contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook and eat and including its own sanitary facilities.
- 1.12. **KEEPS** means to own, keep, harbour, maintain or feed a cat or dog.

- 1.13. **LEASHED** shall mean a restraining device securely attached to the dog and person or object.
- 1.14. **MEDICAL OFFICER OF HEALTH** shall mean the Medical Officer of Health for the Timiskaming District.
- 1.15. **MICROCHIP** means an approved “Canadian Standard” encoded identification device implanted into a dog or cat 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 data base.
- 1.16. **MUZZLE** means a humane fastening or covering device over the mouth of a dog and of sufficient strength to prevent the dog from biting.
- 1.17. **OWNER** includes any person who keeps, possesses, harbours a dog or cat and, where the owner is a minor, the person responsible for the custody of the minor and “owns” has a corresponding meaning.
- 1.18. **POLICE WORK DOG** means a dog trained to aid law enforcement officers and used by such officers in the execution of their duties.
- 1.19. **PREMISES** means the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situate.
- 1.20. **PUBLIC PROPERTY** includes all lands owned by the Township, any local boards, any corporations owned or controlled by the Township or Conservation Authority and includes all Crown lands.
- 1.21. **OFFICE** means the person authorized by this By-law to administer and enforce this By-law, and where applicable, shall be deemed to include an agent appointed by the Office to perform that task or exercise that power under this By-law.
- 1.22. **SPORTING DOG** shall mean dogs of various breeds raised, kept and trained to participate in sporting activities and competitions including, but not limited to “dog shows”, “trials for retrievers”, “tracking dogs”, “sled dog races” and the “hunting of game”.
- 1.23. **TAG** in reference to a dog means a dog tag.
- 1.24. **VETERINARIAN** means a person registered or licensed under the Veterinarian
- 1.25. **VICIOUS DOG** means a dog that has attacked without provocation or bitten a person or domestic animal as determined by the Animal Control Officer in accordance to Section 21 herein.

2. OFFICE

- 2.1. The Animal Control Officer for the Township shall be the Office pursuant to this Bylaw.
- 2.2. The Office is responsible for the issuance of tags and may, from time to time appoint necessary. The Office may revoke any such appointment in writing for such reason as the Office in his or her sole discretion may determine.

3. APPLICATION

Except as otherwise provided, this By-law shall apply to every person in the Township of Coleman.

PART II - DOGS

4. REQUIREMENT TO REGISTER

- 4.1.** Except as provided to the contrary in this By-law, every owner of a dog shall register the dog with the Office on or before January 31st in each year that he or she is the owner of that dog.
- 4.2.** Subject to Subsection 4(3), every person who becomes the owner of a dog after January 31st in any year; shall register the dog with the Office within 7 days of becoming the owner of the dog and on or before January 31st in each year thereafter.
- 4.3.** Despite Subsections 4(1) and 4(2), no person need register a dog before the dog reaches the age of 8 weeks. The onus of proof of the age of the dog or cat shall rest with the owner.
- 4.4.** The registration of a dog shall expire upon the earliest of:
 - a)** the transfer of ownership of the dog for which it was issued;
 - b)** death of the dog for which it was issued; and
 - c)** December 31st of the year in which it was issued.

5. REGISTRATION PROCESS

- 5.1.** Every person who applies to the Office to register a dog, shall:
 - a)** provide the name, address, telephone number of the owner of the dog,
 - b)** provide a description of the dog;
 - c)** provide such other information or documentation as may be required by the Office;
 - d)** unless subject to an exception under Subsection 5(2) or 5(3) shall pay a registration fee of:
 - 5.1.d.1.** \$10.00 to register a spayed or neutered dog for a calendar year;
 - 5.1.d.2.** \$20.00 to register a non-spayed or non-neutered dog for a calendar year;
 - 5.1.d.3.** \$50.00 to register a shelter/kennel for three or more dogs
- 5.2** The registration fee otherwise payable to register a dog shall be reduced to nil provided the owner of the dog produces to the Office, at the time of registration, evidence satisfactory to the Office that the dog is:
 - a)** a seeing eye dog and is used in the Township by the owner of the dog or by a minor child forming part of the family of the owner of the dog;
 - b)** a hearing ear dog and used in the Township by the owner of the dog or by a minor child forming part of the family of the owner of the dog; or
 - c)** a police work dog.
- 5.3** No registration fee or any part thereof shall be refunded for any reason.
- 5.4** Upon the applicant providing all information and documentation required by the Office, and paying the appropriate registration fee, the Office shall register the dog and shall issue to the applicant a dog tag as the case may be, which bears a unique serial number, shows the year of issue and such other information as may be determined by the Office.
- 5.5** Every owner of a registered dog shall advise the Office in writing within 7 days thereafter, of:
 - a)** a change of address or phone number of the owner of the dog; and
 - b)** the death or sale or other transfer of ownership of the dog.\

- 5.6** The Office shall have the right to cancel the registration of a dog in the event that the registration fee is not paid in full, through error, as a result of a cheque being returned marked Not Sufficient Funds, or for any other reason.

6. RESERVED

7. DOG TO WEAR TAG

- 7.1.** Every owner of a dog, whether or not that dog has a microchip implanted shall, subject to subsection 7(2) keep the tag securely fixed on the dog for which it was issued, at all times during the year of issue.
- 7.2.** Despite Subsection 7.1, an owner need not keep the tag on his or her dog:
- a)** while the dog is within the dwelling unit or on the premises of its owner
 - b)** while the dog is being lawfully used for hunting in the bush, and the license is produced upon request of an Animal Control Officer; or,
 - c)** where a veterinarian has determined it is necessary to remove the tag for medical treatment of that dog.
- 7.3** No person shall remove a tag from a dog without the consent of the owner thereof.
- 7.4** No person shall attach a tag to a dog other than the dog or cat for which it was issued.
- 7.5** Every tag issued by the Office remains the property of the Township and in the event the registration of a dog is cancelled by the Office, the tag shall be surrendered to the Office.

8. REPLACEMENT TAGS

The Office shall issue a replacement dog tag to the owner of a registered dog or cat upon application of the owner, provision of evidence satisfactory to the Office that the tag was lost or damaged and payment of the fee of \$5.00 for the replacement tag.

9. OFFICE'S RECORDS

- 9.1.** The Office shall maintain records of all dog tags, and replacement tags issued by the Office in each calendar year and shall update such records as additional information is received.
- 9.2.** The records shall include: the name, address and phone number of the owner of the dog; a description of the dog; the serial number of the dog tag issued for that dog; the fee paid; the particulars of any evidence provided in support of a fee reduction; and such other information as the Office in his or her sole discretion determines to be necessary.

PART III- NUMBERS OF DOGS AND CATS

10. LIMITATION ON NUMBERS

- 10.1.** Except as otherwise provided in this By-law, no person shall keep or permit in or about any dwelling unit or premises more than three dogs or more than three cats, provided however, that the combined maximum of dogs and cats together shall not exceed four.
- 10.2.** Notwithstanding subsection 10.1 a person may keep or permit in or about a dwelling unit or premises:

- a) maximum of three dogs temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours; or
 - b) a maximum of five cats temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours; or
- 10.3** Subsections 10.1 and 10.2 shall not apply to dogs or cats under the age of eight weeks.
- 10.4** Notwithstanding subsection 10.1, a person may keep about a dwelling unit or premises every dog or cat which was duly licensed in accordance with an animal control by-law which was in effect the day before the effective date of this By-law in the area in which the dwelling unit or premises is located, until the earliest of the death of the dog or cat; the owner otherwise disposes of the dog or cat; or the owner fails to register the dog or cat in accordance with this By-law.

PART IV - DOGS AND CATS RUNNING AT LARGE

11. RESERVED

12. RUNNING AT LARGE

- 12.1.** No owner of a dog or cat shall cause, allow or permit a dog or cat he or she owns to run at large within the limits of the Township.
- 12.2.** No owner shall permit a dog or cat to run at large that is not within the dwelling unit or on the premises of its owner or on private property without the consent of the owner of that private property.
- 12.3.** No owner shall permit a dog or cat to run at large that is not under the effective control of a responsible person.
- 12.4.** All owners shall ensure that a dog or cat is on a leash of not more than 2 metres in length which is held under the effective control of responsible person.

13. OWNER NOT TO PERMIT TRESPASS

No owner shall allow or permit his or her dog or cat to trespass on private property whether on a leash or not.

PART V - SEIZE AND IMPOUND

14. ANIMAL CONTROL OFFICER MAY SEIZE

- 14.1.** Subject to subsection 14.2, an Animal Control Officer may seize and impound any dog or cat found running at large.
- 14.2.** A dog shall not be considered to be running at large if it is a police work dog, and is being used in the course of police duties, or it is a hunting dog accompanied by the owner or other responsible adult and is actively engaged in hunting or training for hunting, on un-posted land or on posted land with the permission of the owner.
- 14.3.** An Animal Control Officer may enter on any private property without the consent of the owner of the property, for the purpose of discharging the duties imposed by this by-law and to enforce its provisions, without a search warrant, provided he or she is in active pursuit of a dog or cat, enter upon the private property of any person for the purpose of continuing his or her pursuit of the dog or cat, **provided that** in no instance shall any

such agent of the Corporation enter into any dwelling unit or other building situated on private property without a Search Warrant authorizing such entry.

- 14.4.** Where, in the opinion of the Animal Control Officer, a dog or cat seized under subsection 14.1 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or his or her designate or agent, despite subsection 14.5 may kill the dog or cat in a humane manner as soon after seizure as he or she thinks fit without permitting any person to reclaim the dog or cat or without offering it for sale and no person shall be entitled to recover damages or compensation on account of its killing.
- 14.5.** Subject to Subsection 14.4, any dog or cat seized by an Animal Control Officer under this By-law shall be impounded for 3 days from the time of its impoundment, exclusive of the day on which the dog or cat was impounded, and days on which the impound centre is closed, provided however, that if the dog seized is a female dog in heat, the dog shall be impounded until the earlier of the day the dog is no longer in heat and 21 days.
- 14.6.** During the impound period referred to in subsection 14.5, the owner of the dog or cat shall be entitled to redeem the dog or cat upon:
- a) payment of the impound fee and board fee in an amount determined in accordance with Schedule “A” to this By-law;
 - b) payment of any veterinarian fees incurred for the well-being of the dog or cat; and registering the dog or cat in accordance with this By-law if there is no evidence the dog is already registered. When no prove can be shown that the dog is not registered the appropriate license fees shall be doubled.
- 14.7** If the dog or cat is not redeemed within the time frame specified in subsection the Animal Control Officer may dispose of the cat or dog as it sees fit without liability to any person for the disposition of the dog or cat or the manner thereof.

15 PROTECTIVE CARE

- 15.1** The Animal Control Officer is authorized, upon request of a police officer, to impound a dog or cat for protective care purposes, pursuant to an incarceration, fire, medical emergency or for any other situation that the Animal Control Officer deems appropriate and to keep such animals for a maximum of five days.
- 15.2** In the event that the owner of the dog or cat impounded for protective care does not claim the dog or cat and pay the impound fees, board fees and veterinarian fees in accordance with Schedule “A” to this Bylaw, within five days, then on the sixth day, the dog or cat shall be deemed to have been impounded as running at large in accordance with Section 14 and time under subsection 14.5 shall begin to run.

16 IMPOUND FEES

Where a dog or cat is seized and impounded, or impounded for protective care, the owner, if known, shall be liable for the impound fees, board fees and veterinarian fees in an amount determined in accordance with Schedule “A” to this By-law, whether the dog or cat is claimed from the pound or not and shall pay all fees on demand by the Animal Control Officer. In appropriate humanitarian circumstances, as determined by the Animal Control Officer, the Animal Control Officer, may, in his or her discretion, waive all or part of the impound fees, board fees and veterinarian fees, or provide for delayed or installment payments of same.

PART VI - STOOP AND SCOOP

17. REQUIRED TO STOOP AND SCOOP

Subject to Section 18, every person who owns or keeps a dog or cat shall forthwith remove and dispose of excrement left by the dog or cat on any public road, on Township owned lands, or on any property in the Township, without the consent of the owner of that property.

18. EXEMPT FROM REQUIREMENT

Section 17 shall not apply to a person who owns or uses a seeing-eye dog registered with the Canadian National Institute for the Blind or a working police dog.

PART VII – NOISE

19. OWNER NOT TO PERMIT NOISE

The owner of a dog or a cat shall not permit or allow the dog or cat to make or continue to make any sound which has the effect of disturbing the peace, quiet, comfort or repose of any individual.

PART VIII -VICIOUS DOG

20. NO OWNER SHALL PERMIT ATTACK

- 20.1** No owner of a dog shall permit his or her dog to attack without provocation or to bite a person or domestic animal.
- 20.2** Where the Animal Control Officer is informed upon written complaint, and is satisfied that a dog has attacked without provocation or bitten a person or domestic animal, and has further been provided with satisfactory evidence as to the name and address of the owner of the dog, the Animal Control Officer shall serve notice on the owner of the dog that the dog is deemed to be a vicious dog and requiring the owner to comply with any or all of the requirements set out in Subsections 20.4 and 20.5.
- 20.3** Service of notice that a dog has been deemed a vicious dog may be effected on the person who shows in the Township's records as the owner of the dog, or where the dog does not appear to be registered pursuant to this By-law, on such other person who appears to be the owner of the dog. Service may be effected by personal service, by mail or by posting up in a conspicuous place at the address shown in the records of the Township as the address for the owner of the dog, or where the dog is not registered under this By-law, at such address as appears to be the address of the owner of the dog. Service of the notice shall be effective upon the date that personal service is effected, or where served by mail or by posting, shall be deemed effective on the third day after mailing or posting as the case may be.
- 20.4** Every owner of a vicious dog shall at all times when the vicious dog is not in the owner's dwelling unit, but otherwise within the boundaries of the owner's premises, ensure that:
 - a)** the vicious dog is muzzled so as to prevent it from biting a person or domestic animal; and

- b)** the vicious dog is securely leashed on a leash which does not allow it to go beyond the property line of the owner's lands.
- 20.5** Every owner of a vicious dog shall at all times when the vicious dog is not within the boundaries of the owner's premises:
 - a)** keep the vicious dog under the effective control of an adult person on a leash held by the person; and
 - b)** keep the vicious dog muzzled.
- 20.6** Every owner of a vicious dog shall notify the Office within two working days of any change in ownership or residence of the vicious dog and provide the Office with the new address and telephone number of the owner.
- 20.7** Where the owner of a vicious dog is informed that his or dog has been deemed to be a vicious dog, the owner may, within 14 days of such notice, request in writing a hearing by Council or committee established for that purpose and Council may exempt the owner from the muzzling or leashing requirement, or both such requirements or may modify the conditions for muzzling or leashing.
- 20.8** The notification that a dog is a vicious dog is effective from the date it is served, even if a hearing before Council is requested by the owner of the dog affected.

PART X – ENFORCEMENT

21. CONTRAVENTION

Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

22. INTERFERENCE

No person shall interfere with, hinder or molest an agent of the Corporation in the performance of any duty of such agent, or seek to release any animal in the custody of the Corporation, or its agents, except as herein provided.

PART XV – SCHEDULE “A”

23. SCHEDULE “A”

Schedule “A”, being a Schedule of Fees, attached hereto is hereby incorporated into and forms a part of the within By-law.

PART XVI - SHORT TITLE AND REPEALS

24. SHORT TITLE

This By-law shall be known as the “*Animal Control By-law*”.

25. REPEALS

The following By-laws are hereby repealed:

a) By-law 01-01

26. LIMITS OF REPEAL

Where a By-law of The Corporation of the Township of Coleman is repealed by this By-law, the repeal does not:

- a) revive any By-law not in force or existing at the time of which the repeal takes effect;
- b) affect the previous operation of any By-law so repealed;
- c) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the By-law so repealed;
- d) affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

27. PREVIOUSLY IN FORCE

The repeal of a By-law under Section 25 hereof shall be deemed not to be or involve a declaration that the by-law was considered by the Council of the Township of Coleman to have been previously in force.

28. This By-law shall come into effect and take force.

READ a FIRST and SECOND TIME this 20 day of June, 2011.

Mayor

Clerk

READ a THIRD and FINAL TIME this 20 day of June, 2011.

Mayor

Clerk

**SCHEDULE “A” - FEES
TO BY-LAW**

IMPONDMENT OR DISTRAINED Fee

- | | |
|--|-----------------|
| • Impoundment Fee | \$ 20.00 |
| • Daily Boarding Fee | \$ 15.00 |
| • Humane Services/Adoption Fee | \$ 20.00 |
| • Euthanized Services Fee | \$ 10.00 |
| • Disposal of Non-Impounded Animal Fee | \$ 30.00 |

TAGS AND LICENSES – SECTION 5 Fee

- | | |
|--|-----------------|
| • Register Spayed or Neutered Dog under Sec. 5.1.d.1 | \$ 10.00 |
| • Register non spayed or non neutered Dog under Sec. 5.1.d.2 | \$20.00 |
| • Kennel Fee Dog before January 31st under Sec. 5.1 (d) | \$50.00 |
| • Register Dog under Sec. 5.2 | Nil |

**SCHEDULE “B”
TO BY-LAW
PENALTIES**

Item #	Provision	Creating or Defining Offence	Set Fine
1	7.1	Failure to keep tag securely fixed on dog	\$ 15.00
2	7.4	Attaching a tag to a dog other than the dog for which it was issued.	\$ 15.00
3	10.1	Keep more than a total number of animals permitted	\$ 15.00
4	12.2	Allow a dog or cat to run at large on private property without consent of owner.	\$ 15.00
5	12.3	Allow a dog or cat to run at large that is not under the effective control of a responsible person	\$ 15.00
6	12.4	Failure to ensure that a dog or cat is on a leash of not more than 2 metres in length under the control of a responsible person	\$ 15.00
7	17	Failure to remove and dispose of excrement left by dog or cat on any public road, Township property, or private property, without consent	\$ 15.00
8	20.1	Failure to prevent dog from attacking without provocation	\$ 35.00
9	20.4 a)	Failure to ensure that a vicious dog is muzzled so as to prevent biting	\$ 35.00
10	20.4 b)	Failure to ensure that a vicious dog is securely leashed which does not allow the dog to go beyond the property boundaries	\$ 35.00
11	20.5 a)	Failure to keep vicious dog under effective control on a leash outside boundaries of owner’s premises	\$ 35.00
12	20.5 b)	Failure to keep vicious dog muzzled outside boundaries of owner’s premises.	\$ 35.00
13	20.6	Failure to notify change of ownership or location of a vicious dog within 2 days.	\$ 15.00