

CORPORATION OF THE TOWNSHIP OF RUSSELL

By-law # 2018-157

Being a by-law to amend the Dog By-law # 69-1990 to add procedures for dog muzzling hearings for the new Animal Control Tribunal.

WHEREAS the Council of the Corporation of the Township of Russell did enact By-law # 69-1990 to provide for the licensing and regulating of dogs in the Township of Russell; and

WHEREAS the Council of the Corporation of the Township of Russell now deems it advisable to amend By-law # 69-1990; now therefore be it

RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RUSSELL ENACTS AS FOLLOWS:

1. That Section 1 Definitions of By-law # 69-1990 is hereby amended by the addition of the following new subsections:

Section 1

(s) "Animal" means any member of the animal kingdom, other than a human;

(t) "Animal Control Tribunal" means a person holding the position of chair for the purpose of animal control tribunal hearings;

(u) "attack" means

i) a menacing behaviour or apparent attitude of attack including but not limited to growling or snarling toward a person or a domestic animal; or

ii) an assault resulting in bleeding, bone breakage, sprains, scratches or bruising; or

iii) aggressive behaviour resulting in physical contact and damage to clothing worn by the person or domestic animal, and attacked or attacking have a corresponding meaning;

(v) "bite" means a wound to the skin causing it to puncture or break;

2. That Section 23 is hereby amended by the addition of the following subsections:

a) Where the owner of a vicious dog is informed that he or she must comply with sections 22 and 23 of the by-law, the owner is entitled to a hearing by the Animal Control Tribunal who may exempt the owner from the muzzling or keeping requirements, or both.

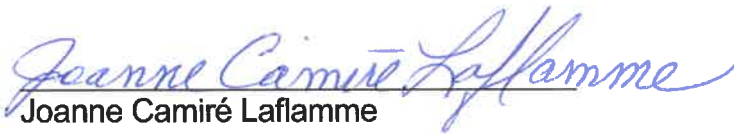
- b) Where the owner of a vicious dog requests in writing to the Director of Public Safety and Enforcement a hearing by the Animal Control Tribunal,
- i) within fourteen(14) days of receiving the notice to comply; or
 - ii) at any time after the Animal Control Tribunal has confirmed the muzzling or keeping requirement, or both, if the circumstances respecting the vicious dog have changed,
- the director shall advise the Chair to the Animal Control Tribunal of the request for a hearing and obtain a hearing date.
- c) Upon determination of the hearing date, the Director of Public Safety and Enforcement shall give notice in writing to the owner of the vicious dog, the said notice shall:
- i) include a statement :
 - as to time, date, place and purpose of the hearing; and
 - that if the owner of a vicious dog does not attend the hearing, the tribunal may proceed in his or her absence and he or she will not be entitled to any further notice; and
 - ii) to be serviced personally or by registered mail to the owner of a vicious dog at his or her address last on file with the Director of Public Safety and Enforcement.
- d) i) The Animal Control Tribunal shall hold the hearing pursuant to the provisions of the Statutory Powers Procedure Act, R.S.O. 1990Chapter S. 22, as amended at the time, date and place set out in the notice to comply.
- ii) The Township shall be represented at the hearing by either the Director or Manager of Public Safety and Enforcement or the Township Solicitor or the assistant who is entitled to adduce evidence and submit argument.
- iii) The owner of the vicious dog may, at the hearing
- 1) be represented by Counsel or an agent;
 - 2) call and examine witnesses and present his or her arguments and submissions; and
 - 3) conduct cross –examination of witnesses reasonably required for a full and fair disclosure.
- iv) The Animal Control Tribunal may:
- 1) exempt the owner of the vicious dog from the muzzling or keeping requirement, or both;
 - 2) confirm the muzzling or keeping requirement, or both.
- v) The Animal Control Tribunal shall give its decision in writing to the Director within seven (7) days of the date of the completion of the hearing.

- vi) The Director in receipt of the decision referred to in subsection v) shall forthwith notify the owner of the vicious dog of the decision by serving a copy personally or by registered mail to:
- 1) the owner of the vicious dog at the address last known to the Director of Public Safety and Enforcement; or
 - 2) the counsel or agent of the owner of the vicious dog, if any, at his or her address as stated to the Animal Control Tribunal.
- vii) All hearings shall be public hearings unless the owner of a vicious dog requests that the hearing be held in camera.
- viii) The Animal Control Tribunal's decision shall be final and binding.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
5TH DAY OF NOVEMBER, 2018.



Pierre Leroux
Mayor



Joanne Camiré Laflamme
Clerk