

# THE CORPORATION OF VILLAGE OF NEWBURY

## By-law Number 131-15

### Being a by-law to License Dogs and to prohibit the Running at Large of Dogs or Other Animals and To prohibit and regulate noise and public nuisance Within the Village of Newbury:



**WHEREAS** Section 103.(1), 105/(1), 128.(1) and 130 of the Municipal Act 2001 permits municipalities to license and regulate animals within the municipality; and

**WHEREAS** it has been determined that it is appropriate to license and regulate animals, the purposes and reasons of consumer protection, health and safety and to ensure no public nuisance is caused; and

**WHEREAS** a by-law licensing or imposing any condition shall include an explanation as to the reason the municipality is licensing or regulating animals and how that reason relates to the purposes under the Municipal Act 2001; and

**WHEREAS** the Municipal Act Section 128 (1) authorizes a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become or cause public nuisances; and

**WHEREAS** the Municipal Act Section 129 (1) authorizes a municipality to prohibit and regulate with respect to noise.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF NEWBURY ENACTS AS FOLLOWS:**

#### **PART 1 – DEFINITIONS**

In this by-law:

“Animal Control Officer” – shall mean a person or association who has entered into a contract or agreement with the Village of Newbury to control dogs or other animals and maintain a pound.

“Appeal Committee” – shall mean a committee of Council of the Village of Newbury.

“Blind person” – shall mean a person who because of blindness is dependent on a guide dog or a white cane;

“By-law Enforcement Officer” – shall mean a person duly appointed by the Village of Newbury for the purpose of enforcing or carrying out the provisions of Municipal by-laws.

“Clerk” – means the Clerk of the Village of Newbury.

“Control” shall mean that a dog is on a leash not exceeding three meters in length, under the control of a responsible person or is otherwise physically restrained. Sound or voice command is not deemed control under this by-law.

“Council” – shall mean the Council of the Village of Newbury.

“Dangerous Dog”

- a) means a dog that in the absence of any mitigating factor has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- b) means a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
- c) means a dog previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its guardian in violation of the requirements for such dog;

“Dog” means a domesticated canine animal, male or female, two months of age and older;

“Dog Licensing Officer” – shall mean a person or association who has entered into a contract or agreement with the Village of Newbury to register dogs, issue dog licenses and dog tags to owners or guardians of dogs.

“Dwelling” – means a house, apartment, duplex, triplex, condominium, semi-detached or any other type of structure used for human habitation and includes the lot used in conjunction with it;

“Guardian” – means any person who owns, keeps, possesses or harbors a dog or dogs and “own”, “owns” or “owned” have a corresponding meaning, and where the guardian is a minor means the parent, guardian or person having custody of the minor;

“Handicapped person” – means a person who is permanently confined to a wheel chair or restricted to the permanent use of crutches or braces;

“Harbor” – means having care or control of a dog;

“Household” – means any number of persons living as a family unit or as roommates in a common dwelling.

“Issuer” – means the License Issuer of the municipality and includes any person or organization authorized by Council to accept dog registrations and issue dog licenses.

“Mitigating Factor” – means a circumstance which excuses aggressive behavior of a dog and without limiting the generality of the forgoing, may include circumstances where:

1. the dog was, at the time of the aggressive behavior, acting in defense to an attack from a person or domestic animal;
2. the dog was, at the time of the aggressive behavior, acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its guardian; or
3. the dog was, at the time of the aggressive behavior, being teased, provoked or tormented.

“Municipality” – shall mean the Corporation of the Village of Newbury.

“Muzzle” – means a humane fastening or covering devices placed over a dog’s mouth and of sufficient strength to prevent the dog from biting;

“Nuisance” – shall mean an obnoxious or annoying person, thing, condition, practice or something offensive or annoying to individuals or to the community.

“Other Animal” – means animals other than dogs.

“Owner” – of a dog or other animal includes a person who possesses or harbors a dog or other animal and “owns” and “owned” have a corresponding meaning.

“Potentially Dangerous Dog” means a dog that in the absence of any mitigating factors chases or approaches any person or domestic animal, anywhere other than on the property of its guardian, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

“Peace Officer” – means a police officer including a police officer within the meaning of the Police Service Act, a municipal law enforcement officer, an inspector or agent under the Ontario Society for the Prevention of Cruelty to Animals Act and a public officer designated as a peace officer for the purposes of the Dog Owners’ Liability Act.

“Pound” – means premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of the municipality.

“Pound Keeper” – means the person or organization responsible for maintaining the pound for the purpose of enforcing and carrying out the provisions of this by-law.

“Pure-Bred” – means “registered or eligible for registration with an association incorporated which shall include, but not limited to, under the Animal Pedigree Act (Canada).

“Premises” – means lands, buildings or any structures;

“Pit Bull” – includes”

- 1) a pit bull terrier,
- 2) a Staffordshire Bull Terrier
- 3) an American Staffordshire Terrier
- 4) an American pit bull terrier,
- 5) any dog that has the appearance and physical characteristics predominantly conforming to the standards for any of the above breeds, as established by the Canadian Kennel Club, or the American Kennel Club or the United Kennel Club or as determined by a veterinarian licensed to practice in Ontario.

“Restricted Dog” – means”

- 1) A dog that is a Pit Bull dog; and
- 2) A dog for which the owner has a valid 2004 dog license issued under Part 2.

“Prohibited Dog” – means:

- 1) A Pit Bull dog which is not a restricted dog;
- 2) A Pit Bull dog, previously designated as a restricted dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog; or
- 3) A dog previously designated as a dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

“Zone or Zoned” – means land use designation in a zoning by-law passed under the provisions of the Planning Act.

## **PART 2 – DOG LICENSES**

3. No Guardian shall keep in or upon any lands or premises within the Village of Newbury, irrespective of the number of owners, more than two (2) dogs, provided that any young born on the premises may be kept there for a period not exceeding twelve (12) weeks after birth.
4. Every owner of a dog(s) shall pay a license fee for each such dog in accordance with Schedule “A” to this by-law and shall keep the license affixed on the dog at all times during the year for which the license applies.
5. Every owner of a dog(s) shall pay a license fee for each such dog in accordance with Schedule “A” to this by-law within 30 days of moving into the Village of Newbury, and/ or register with the Clerk the license number and Municipality for which the dog(s) already have license. Every guardian of a dog shall obtain a license for each dog, every year thereafter before the 1st of March in every year.
6. Every guardian shall within ten days of becoming the guardian of a dog three months of age or older obtain a license for each such dog and pay a license fee for each such dog in accordance with Schedule “A” to this by-law. Every guardian of a dog shall

- obtain a license for each dog, every year thereafter before the 1st of March in every year.
7. Where a person obtains a license on or after April 1st of the year, the license fee for each dog shall be paid in accordance, as applicable, with Schedule “A” to this by-law.
  8.
    - a) On payment of the license fee for a dog, the Guardian shall be furnished by the Issuer with a dog tag for the dog.
    - b) The dog tag shall bear a serial number and the year in which it was issued and; a record shall be kept by the Issuer showing the name and address of the Guardian and the serial number of the tag.
    - c) The Guardian shall securely fix the dog tag on the dog and shall keep such tag securely fixed on the dog at all times until the tag is renewed or replaced.
    - d) No person shall fix or use a tag upon a dog other than the dog for which the tag was issued.
    - e) No person shall use a tag on a dog during any year subsequent to the year for which such tag was issued.
  9. An Issuer shall, in the first week of the next month immediately following the date of issuance of the dog license, deliver to the Clerk; complete written records of all dog registrations and dog licenses issued together with all dog tag particulars and shall remit all associated dog license fees.
  10. All dog license fee payments shall be made or directed to the Treasurer of the Village of Newbury.

### **Part 3 – DOGS or OTHER ANIMALS FOUND RUNNING AT LARGE**

11.
  - a) No Guardian shall permit his or her dog or “other animal” to run at large in the Municipality
  - b) For the purpose of this by-law, a dog or “other animal” shall be deemed to be running at large if found in any place other than the premises of the guardian and not under the control of any person.
12.
  - a) Any dog found running at large shall be seized, impounded, sold, redeemed or humanely euthanized as provided for in this by-law.
  - b) Any dog found on private property shall, upon the request of the guardian or occupant of such private property, be seized and impounded as provided for in this by-law.

- c) Any “other animal” found running at large may be seized, and delivered to the pound by any person requesting the animal to be impounded.
13. a) An Animal Control Officer, Pound Keeper, or Peace Officer By-law Officer shall seize and impound every dog found,
- 1. running at large contrary to the provisions of Section 10.
  - 2. on private property, where requested to do so by the Guardian or occupant of such private property.
  - 3. off the premises on which it is habitually kept and without a dog tag contrary to the provisions of any by-law passed by the Council pursuant to Section 103(1) of The Municipal Act, 2001, as amended from time to time, or in any other Statute which may be passed to replace that Act or to amend that Act.
- b) The Animal Control Officer, Pound Keeper or Peace Officer shall deliver every dog seized pursuant to this by-law to the Pound, and the Pound Keeper shall provide adequate quarters therein for every such dog, and shall keep an accurate account of expenses incurred in furnishing the dog with food, water and shelter and any other expenses connected with the care or the disposal of the dog, and any amounts received from the sale of any such dog.
14. a) Where a dog has been seized or impounded to the provisions of Section 12, the Guardian of the dog may redeem such dog within three days (exclusive of Sundays and statutory holidays) after its delivery to the Pound upon producing a dog license and dog tag issued for the dog by the Village of Newbury for the current year and by paying the expenses and fee of the Pound Keeper provided in Section 12.
- b) After the expiration of the redemption period, the Pound Keeper where a dog has been impounded pursuant to this by-law may keep, sell, gift or dispose of the dog subject to the provisions of the Animals for Research Act, R.S.O. 1990, Chap. 22 as amended. The Pound Keeper will ensure that a purchaser living within the Municipality obtains a dog license and dog tag for the dog.

#### **PART 4 – NOISE**

15. No Guardian shall permit persistent barking, calling, whining or other noise making by his or her dog that is clearly audible at a point of reception in the Municipality for a continuous long or incessant period of time. An example of a long or incessant period of time would be something longer than a two hour duration in any one day, or

that persists on an on-going basis. If allowed, the owner would be in contravention of this by-law.

#### **PART 5 – DOG EXCREMENT**

16. No Guardian shall permit a dog or other animal to foul with feces on any highway park, sidewalk, boulevard or premises other than the premises on which the dog is habitually kept. Every Guardian not being a blind person or a handicapped person shall immediately remove and dispose of any excrement left by his or her dog.

#### **PART 6 – MUZZLING, LEASHING AND CONTAINMENT OF DOGS**

17. a) No Guardian shall permit his or her dog to bite or attack without provocation, a person or domestic animal.
- b) If a dog or animal bites or attacks another animal or person the animal in question will be seized and placed in quarantine at the owners expense for no more than 14 days at animal shelter or pound.
- c) A veterinarian will also be required to sign a health certificate before any animal can be released back to its owner.
18. a) Every Guardian, when his or her dog is on the property of the Guardian or on the property of some other person with such person's consent, shall keep his or her dog from leaving such property on its own, by means of:
1. Enclosure;
  2. Containment within a fenced area; or
  3. Physical restraint of the dog by a chain or other similar means.
- b) Despite section 17(a), a Guardian, when such dog is on the property of the Guardian or on the property of some other person with such person's consent and where such lands are zoned and used for agricultural purposes, may keep the dog from leaving such property on its own by any reasonable means.
19. If an Animal Control Officer designates a dog as a potentially dangerous dog, the Animal Control Officer shall serve a Dangerous Dog Notice upon the Guardian, requiring the Guardian, upon receipt of such notice, to comply with such of the following requirements deemed necessary by the Animal Control Officer;
- a) to keep such dog, when it is on the property of the Guardian, confined
1. within the Guardian's dwelling, or

2. in an enclosed pen of sufficient dimension and strength to be a humane shelter for the dog and to prevent the dog from coming in contact with or making a real substantial threat of attack on a person other than the Guardian;
    3. or, if not confined under subparagraphs (1) and (2) above, to keep such dog on a leash and under control of the Guardian;
  - b) to keep such dog, when it is on the property of another person with that person's consent, on a leash and under the control of that person who is sixteen years of age or more;
  - c) to securely attach a muzzle to such dog at all times when it is not on the property of the Guardian or not on the property of another person with such person's consent;
  - d) to obtain and maintain in force a policy of liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such potentially dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should the policy expire, be cancelled or be terminated for any reason;
  - e) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a potentially dangerous dog.
  - f) To restrain the potentially dangerous dog in accordance with any written directive which, may be given by an Animal Control Officer?
20. If an Animal Control Officer designates a dog as a dangerous dog, the Animal Control Officer shall serve notice upon the Guardian, requiring the Guardian, upon receipt of such notice to comply with the following requirements:
- a) to keep such dog confined;
    1. within the guardian's dwelling, or
    2. in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog from coming in contact with or making a real and substantial threat of attack on a person other than the guardian of the dog;
    3. conspicuously display on his or her property a sign provided by the Township that there is a dangerous dog on the property.



- b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with section 19 (a);
  - c) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should the policy expire, be cancelled or be terminated for any reason; and
  - d) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog;
  - e) To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.
21. The notices referred to in section 18 and 19 hereof shall include:
- a) a statement that the Animal Control Officer has reason to believe that the dog is a potentially dangerous dog or a dangerous dog, as the case may be;
  - b) the requirements that the Guardian must comply with in accordance with section 18 or section 19 and when such requirements take effect; and
  - c) a statement that the Guardian may request, within three working days of receipt of the Animal Control Officer's notice, and is entitled to, a hearing by the Appeal Committee which may affirm or rescind the Animal Control Officer's designation of the dog as potentially dangerous dog or a dangerous dog, as the case may be, and which may substitute its own designation or its own requirements of the Guardian of a potentially dangerous dog pursuant to section 18 (a) through (f) or of a dangerous dog pursuant to section 19 (a) through (e).
22. If a guardian receives notice from an Animal Control Officer designating his or her dog to be any one or more of a potentially dangerous dog or a dangerous dog or a restricted dog or a prohibited dog, and so requests in writing to the Clerk within three working days of receipt of such notice, the Appeal Committee shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within 15 working days of the Clerk's receipt of the request for a hearing and may:

- a) Affirm or rescind the Animal Control Officer's designation of the dog as a potentially dangerous dog or as a dangerous dog or as a restricted dog or as a prohibited dog, as the case may be.
  - b) Substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog or as a restricted dog or as a prohibited dog, as the case may be; and/or
  - c) Substitute its own requirements of the guardian of a potentially dangerous dog pursuant to section 18 (a) through (f).
  - d) Substitute its own requirements of the guardian of a dangerous dog pursuant to section 19 (a) through (e).
  - e) Substitute its own requirements of the guardian of a restricted pit bull pursuant to Sections 28 (a) through (I)
  - f) Substitute its own requirements of the guardian of a prohibited dog pursuant to section 28 (a) through (I)
23. An Animal Control Officer may either on his or her own initiative or as a result of information received by him or her from any source, conduct an inquiry into whether a dog should be designated a potentially dangerous dog or as a dangerous dog or as a restricted dog or as a prohibited dog, as the case may be;
24. The requirements of sections 18 (d) and (e) and 19 (c) and (d) which may be imposed on a Guardian by the Animal Control Officer pursuant to each section shall not be required to be effected until the earlier of the time for appeal under section 21 has elapsed with a request for a hearing pursuant to that section being received by the Clerk, or the hearing under section 21 has been duly requested and a determination has been made by the Appeal Committee.
25. A Guardian whose dog has been designated a potentially dangerous dog or a dangerous dog pursuant to this by-law shall advise the Animal Control officer immediately if he or she transfers guardianship of such dog to another person or changes the address at which such dog is kept and shall furnish the Animal Control Officer with particulars of the name and address of the new Guardian or the new address at which the potentially dangerous dog or the dangerous dog is kept.
26. Any notices served by the Animal Control Officer or requests for hearings made by a Guardian pursuant to this by-law shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth business day after the date of mailing.
27. Notwithstanding section 13 where a potentially dangerous dog or a dangerous dog has been impounded for any reason, the Animal Control Officer shall restore that dog to

its Guardian or to any other person unless the Animal Control Officer is satisfied that the person to whom the dog is to be restored is aware of and in compliance with the provisions of section 18 and 19 as the case may be. All fees otherwise payable to the Animal Control Officer upon restoration of an impounded dog are payable by the Guardian of a potentially dangerous dog or a dangerous dog for any length of time may be held in the pound pursuant to this section.

28. If the Guardian of a potentially dangerous dog or dangerous dog which has been impounded is unable to demonstrate compliance with the provisions of section 23 and 24 as the case may be to the reasonable satisfaction of the Animal Control Officer, after a reasonable period of time, may sell or otherwise dispose of the dog in accordance with this by-law.

#### **PART 7 – RESTRICTED DOGS**

29. Restricted dog notice – owner requirements

Where the Animal Control Officer designates a dog as a restricted dog, and serves the owner with notice of such designation, the owner shall comply with such of the following requirements as set out in the notice:

- (a) to obtain, within seven working days of a notice given under Section 28 or within seven working days following the final disposition of any appeal of the designation as a restricted dog, a restricted dog license.
- (b) to keep the restricted dog, when it is on the lands and premises of the owner, confined:
  - (1) within the owner's dwelling and under the effective control of an adult; or
  - (2) in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimetres (1) foot, or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the restricted dog while preventing it from escaping there from and preventing the entry therein of unsupervised children;
- (c) to keep the restricted dog under the effective control of an adult person and under leash, such leash not to exceed 1.8 meters (6 feet) in length and to be approved by the Animal Control Officer, at all times when it is not confined in accordance with clause (b);

- (d) To securely attach a muzzle to the restricted dog at all time when it is not confined in accordance with clause (b);
- (e) To have a microchip inserted in the restricted dog by a licensed veterinarian and to permit the Animal Control Officer to verify the implantation of such microchip;
- (f) to provide the Animal Control Officer with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the restricted dog.
- (g) to advise the Animal Control Officer with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the restricted dog;
- (h) to advise the Animal Control Officer within two (2) working days of the death of the restricted dog;
- (i) to advise the Animal Control Officer forthwith if the restricted dog is running at large or has bitten or attacked any person or animal.
- (j) A guardian shall have his or her restricted dog spayed or neutered. A guardian shall notify the Animal Control Officer within two (2) working days of whelping in the event that the restricted dog has a litter. If the animal was pregnant when the by-law takes effect it shall thereafter be spayed or neutered. The owner shall deliver the offspring to the Pound Keeper within six (6) weeks of whelping to be disposed of in a humane manner.
- (k) To purchase and display, at the entrance to the owner's dwelling which a person would normally approach, a warning sign provided by the License Issuer. The sign shall be posted in such manner that it cannot be easily removed by a passerby and it is clearly visible to a person approaching the entrance.
- (l) To obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such potentially dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should the policy expire, be cancelled or be terminated for any reason.

**30. PART 8 – PROHIBITED DOGS**

Where the Animal Control Officer designated a dog as a prohibited dog, the Animal Control Officer shall serve notice upon the owner of such dog. If the Animal Control Officer has not seized and impounded the prohibited dog, the notice shall require the owner, upon receipt of such notice, to deliver the prohibited dog within six (6) working days to the pound.

**31. NOTICE – requirements**

The notices referred to in Sections 28 and 29, inclusive, shall include:

- (a) a statement that the Animal Control Officer has reason to believe that the dog is a potentially dangerous, dangerous, restricted, or prohibited dog, as the case may be;
- (b) The requirements that the owner must comply with in accordance with this section and when such requirements take effect;
- (c) Where the Animal Control Officer has designated the dog as a prohibited dog, a statement that the dog will be disposed of in a humane manner; and
- (d) a statement that the owner may request in writing, within three (3) working days of receipt of the Animal Control Officer's notice, and is entitled to a hearing by the Appeals Committee which may affirm or rescind the Animal Control Officer's designation of the dog as potentially dangerous, dangerous dog, restricted dog or prohibited dog, as the case may be, and which committee may substitute its own designation or its own requirements of the owner of a potentially dangerous dog, dangerous dog, restricted dog or prohibited dog pursuant to Sections 20 and 21.

**PART 9 – COMPENSATION**

32. The municipality, its employees, agents and servants and the Animal Control Officer shall not be liable for damages or compensation for any dog humanely euthanized under the provisions of this by-law and no such damages or compensation shall be paid to any person.

**PART 10 – EXEMPTIONS**

33. This by-law shall not apply to:

- a) A veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- b) An animal shelter operated by contract on behalf and for the municipality;
- c) Premises registered as a research facility in accordance with the Animals for Research Act, as amended;

- d) Any person licensed or exempted as an operator of an animal supply facility in accordance with the Animals For Research Act, as amended, or the employees of such facility, during the course of their duties;
- e) Any dog owned, possessed or harbored by the O.P.P., Royal Canadian Mounted Police or any other local police or other government enforcement agency.

**PART 11 – OFFENCES**

- 34. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, In accordance with Schedule “C” of this by-law.
- 35. This By-law maybe enforced by the O.P.P., by a Provincial Offences Officer, By-law Officer by an Animal Control Officer or by a Pound Keeper.

**PART 12 – REPEAL OF BY-LAWS**

- 36. Any previous by-laws for the licensing of dogs, including By-law 110-99, By-law 133-04, 114-07 and By-law 122-15 are hereby repealed.
- 37. This by-law shall come into force and take effect on the day of final passing thereof.

READ a first and second time this 15th day of December, 2015

READ a third time and finally passed this 15<sup>th</sup> day of December, 2015.

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REEVE DIANE BREWER

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CLERK TREASURER BETTY D. GORDON

**ASSESSMENT FOR DANGEROUS and POTENTIALLY DANGEROUS DOGS**

**Village of Newbury  
ANIMAL CONTROL OFFICER  
Dog Owners' Liability Act R.S.O. 1990 as amended**

Date of Issue: \_\_\_\_\_

Dog Guardian: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

**DESCRIPTION OF DOG:**

Name: \_\_\_\_\_ Breed: \_\_\_\_\_  
Color: \_\_\_\_\_ Dog Tag No: \_\_\_\_\_  
Rabies Tag No: \_\_\_\_\_ Tattoo No: \_\_\_\_\_

**PREVIOUS HISTORY:**

Complaints:	Yes _____	No _____
Bites	Yes _____	No _____
Enforcement	Yes _____	No _____
Impounds	Yes _____	No _____
Quarantine by Dept. of Health	Yes _____	No _____
Citizen Complaint (s)	Yes _____	No _____

**ACTION:**

Animal Control Officer Investigation	Yes _____	No _____
Police Officer Investigation	Yes _____	No _____

Written Directives: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Animal Control Officer Signature \_\_\_\_\_

Conditions of Dangerous Dog Notice (as they apply to Dangerous OR Potentially Dangerous Dogs)  
Failure to comply with Conditions of Notice may result in a penalty of up to \$10,000.00  
As provided for under the Provincial Offences Act

Dangerous Dog – Must comply with ALL of the following conditions

1. To keep such dog confined within the guardian's dwelling; or in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming into contact with or making a real and substantial threat of attack on a person other than the guardian of the dog.
2. Conspicuously display a sign on premises warning there is a dangerous dog on the premises, when not confined as stated above.

- 3. Securely attach a muzzle to such dog at all times when not confined as stated above.
- 4. Obtain and maintain a \$1,000,000. (\$1 million) public liability insurance policy.
- 5. Permit the Animal Control Officer to insert a microchip in such dog at the dog guardian's expense.
- 6. Restrain the dangerous dog in accordance with any written directives given by the Animal Control Officer.

Potentially Dangerous Dog – check off Dog Guardian's Requirements

- To keep such dog confined: within the guardian's dwelling, or in an enclosed pen of sufficient Dimension and strength to be humane shelter for the dog and to prevent the dog from coming into Contact with or making a real and substantial threat of attack on a person other than the guardian Of the dog.
- Keep such dog leashed and under control of a person.
- Keep such dog leashed while on another person's property other than the guardian, on a 1.5 m Leash and under the control of a person 16 years of age or older.
- Securely attach a muzzle to such dog at all times when not confined as stated above.
- Obtain and maintain a \$1,000,000. (\$1 million) public liability insurance policy.
- Permit the Animal Control Officer to insert a microchip at the Guardian's expense.
- Restrain the dog in accordance with any written directives given by the Animal Control Officer as shown above.

**APPEAL COMMITTEE**

In accordance with By-law 38 of 2006, Section 30 (d) you may appeal this Notice to the Appeal Committee of the Village of Newbury within three working days of receipt of this Notice by submitting a written request to the Municipal Clerk. The Appeal Committee shall hold a hearing within fifteen working days of the Clerk's receipt of the request. The Appeal Committee also has the authority to rescind this Notice at a later date; upon receipt of appropriate documentation proving said dog has received the recommended behavioral training as recognized by:

Clip \*\*\*\*\*

I wish to submit my written request to the Clerk to have a hearing before the Appeal Committee, within fifteen working Days of the Clerk's receipt of this request

Dog Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Received by: \_\_\_\_\_



**Village of Newbury  
SCHEDULE "A" TO  
BY-LAW No. 131-2015  
LICENCE FEES**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item No.</b>	<b>Dog Status</b>	<b>Licence Fee</b>
1.	Spayed or neutered dog and at least 3 months or older	<b>\$30.00</b>
2	Unaltered Male or Female dog and at least 3 months or older	<b>\$30.00</b>
3	Second spayed or neutered or unaltered Male or Female Dog and at least 3 months or older	<b>\$40.00</b>

**SCHEDULE "B" TO  
BY-LAW No. 131-2015  
RESTRICTED DOG LICENCE FEES**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Item N.</b>	<b>Restricted Dog Status</b>	<b>Licence Fee</b>
1.	1 <sup>st</sup> Restricted Dog	<b>\$125.00</b>
2.	2 <sup>nd</sup> Restricted Dog	<b>\$145.00</b>

**VILLAGE OF NEWBURY  
SCHEDULE "C" to  
BY-LAW No. 131-2015**

**SET FINE SCHEDULE  
PART 1 – Provincial Offences Act**

Page 1 of 1

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision or Offence	Column 3 Set Fine
1.	Keeping of more than two (2) dogs upon lands or premises	<b>Part 2, s. 3</b>	<b>\$150.00</b>
2.	Fail to license dog	<b>Part 2, s. 4</b>	<b>\$150.00</b>
3.	Fail to affix license tag to dog	<b>Part 2, s. 4</b>	<b>\$150.00</b>
4.	Fail to register dog moved into Village within 30 days	<b>Part 2, s. 5</b>	<b>\$150.00</b>
5.	Guardian fixes or uses a tag on a dog other than the dog for which it was issued	<b>Part 2, s. 8(d)</b>	<b>\$150.00</b>
6.	Guardian permits dog to run at large	<b>Part 3, s. 11(a)</b>	<b>\$150.00</b>
7.	Guardian permits persistent barking or other noise	<b>Part 4, s. 15</b>	<b>\$250.00</b>
8.	Guardian permits dog to foul with feces	<b>Part 5, s. 16</b>	<b>\$150.00</b>
9.	Guardian permits dog to bite or attack	<b>Part 6, s. 17(a)</b>	<b>\$350.00</b>

**“NOTE:** The penalty provision for the offences indicated above is Part 11, s.32 of By-law 131-2015, a certified copy of which has been filed”.