

THE CORPORATION OF THE VILLAGE OF CASSELMAN

BY-LAW NUMBER 2015-027

A by-law to regulate, license and control dogs in the Village of Casselman

WHEREAS *Section 103 of the Municipal Act 2001* authorizes the enactment of by-laws for prohibiting, regulating, controlling and licensing dogs within the municipality;

NOW THEREFORE the Municipal Council of the Corporation of the Village of Casselman enacts as follows:

DEFINITIONS

1. For the purpose of this by-law;
 - a) **"Clerk"** means the Clerk of the Corporation of the Village of Casselman.
 - b) **"Dog"** means a male or female dog.
 - c) **"Municipal Law Enforcement Officer, Animal Control Officer and Peace Officer"** means the person or persons appointed by the Village of Casselman to enforce this by-law and any servant or agent of such person or persons employed for such purposes.
 - d) **"Municipality"** means the Corporation of the Village of Casselman.
 - e) **"Owner"** of a dog means a person who owns, possesses or keeps one or more dog, and where the owner is a minor, the person responsible for the custody of the minor.
 - f) **"Prohibited Area"** shall mean any area of land described in Schedule "A" to this by-law and which is designated by signs bearing the symbol depicted on Schedule "B" to this by-law.
 - g) **"Running at large"** shall mean a dog found in any place other than the premises of the owner of the dog and not under the control of any person by means of a leash.
 - h) **"Ticket"** shall mean the document or documents issued to commence action upon any alleged contravention of this by-law.
 - i) **"Trespassing"** shall mean the presence on any property without the permission of the owner, tenant, and occupier of such property, either tied or not to a chain, leash, rope, or cable from a neighboring property.

DOGS RUNNING AT LARGE

4.
 - a) An owner of a dog, when such dog is tied on the property of the owner or on the property of some other person with such person consent, shall ensure that the tie is of the appropriate length as not to allow the dog to trespass on the neighboring property.
 - b) No person shall allow a dog either tied or not, to trespass on any private property without the consent of the owner, tenant or occupant of such property,
 - c) No person shall allow and/or permit a dog to run at large.
 - d) For the purpose of this by-law a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not on a leash held by a responsible person.
 - e) No person shall permit the dog to be within a prohibited area.
 - f) Any dog running at large and not under the control of any person by mean of a leash contrary to the provisions of this by-law may be killed or captured and impounded at the owner's expenses by the Peace Officer.

PUBLIC NUISANCE

5. No person who owns possesses or keeps a dog within the Village of Casselman shall allow or permit such dog to become a public nuisance. A dog shall be considered a public nuisance if:
 - (a) It persistently barks, howls or whines;
 - (b) It causes damage to public or private property;
 - (c) It interferes with dumps or scatter garbage or trash;
 - (d) It chases pedestrians, bicyclists or vehicles.
6. No person shall allow or permit a dog to attack any person, domestic animal or domestic bird.

IMPOUNDING OF DOGS

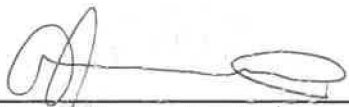
7. It shall be the duty of the Municipal Law Enforcement Officer, Animal Control Officer and Peace Officer to capture and impound all dogs found running at large.
 - a) The owner of a dog that has been impounded, if he can be located, shall be notified, forthwith personally, or by registered mail, and the notice to the owner shall state that the said dog may be claimed upon payment of a fee as set out in Schedule "C" to this by-law and where the dog is not registered with the municipality, the owner must first register the dog and pay the fees for the annual license before the dog is released back to

By-law 2015-027

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13. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the ***Provincial Offences Act***.
14. The penalty provided for violation of any of the provisions of this by-law shall be separate from and in addition to the requirements for payment of expenses of confining the dog imposed by the Peace Officer.
15. Every person who hinders obstructs the Peace Officer performing his or her duties referred by this by – law of cause of inspection, administration or enforcement shall, if convicted by a Provincial Offences Court, be guilty of an offence and is subject to the penalty imposed under the ***Provincial Offences Act***.
16. That by-laws number 2007-196, 2010-019 and 2014-053 are repealed.
17. That this by-law shall come into force and take effect on the day of its passing.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED IN
OPEN COUNCIL THIS 14TH DAY OF APRIL, 2015.**



Conrad Lamadeleine, Mayor



Marielle Dupuis, Clerk

SCHEDULE "B"
of
By-law N° 2015-027

Sign designating "Prohibited Area"



OR EQUIVALENT

SCHEDULE "C"

of

By-law number 2015-027

LICENCE FEES

1. That the fee payable with respect to such license be paid in advance to run from the first (1st) day of January and to expire on the thirty-first (31st) day of December in each and every year.
2. The following annual fees shall be paid for each dog license:

(a) Renewal of existing or new license prior to March 31 st	\$30.00
(b) New dog after March 31 st and before June 30 th	\$30.00
(b) Renewal of existing license after March 31 st	\$35.00
(c) New dog after June 30 th	\$20.00
(d) Lost tag replacement	\$10.00
(e) Guide dogs for physically / visually impaired person	Nil

4. **Impoundment Fees**

Any dog impounded may be reclaimed as herein provided upon payment by the owner of an amount of \$80.00 for each dog plus an additional sum of \$20.00 for each day such dog is kept.

5. **Destruction & disposal Fees**

Any animal to be destroyed shall be in a humane manner and the costs shall be:

For each dog \$85.00

Note: The general penalty provision for the offences listed above is section 13 of By-law 2015-027, a certified copy of which has been filed.

Set Fine Schedule

THE CORPORATION OF THE VILLAGE OF CASSELMAN

Part 1 Provincial Offences Act

By-Law No 2015-027 A by-Law to prohibit, regulate, licence and control dogs within the municipality

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating Provision	COLUMN 3 Set Fine
1.	Being the owner of more than three (3) dogs	Section 2 (a)	\$200.00
2.	Being the owner of a dog which is not registered with the municipality	Section 3 (a)	\$125.00
3.	Fail to keep the dog tag affixed to the dog.	Section 3(d)	\$ 50.00
4.	Allow / permit a dog to trespass on a private property.	Section 4 (b)	\$125.00
5.	Allow / permit a dog to run at large	Section 4 (c)	\$125.00
6.	Allow / permit a dog to be in a prohibited area.	Section 4 (e)	\$125.00

Approved
H. Jean

Set Fine Schedule

THE CORPORATION OF THE VILLAGE OF CASSELMAN

Part 1 Provincial Offences Act

By-Law No 2015-027 A by-Law to prohibit, regulate, licence and control dogs within the municipality

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
7.	Allow/ permit a dog to bark, howl or whine in such way as to become a public nuisance.	Section 5 (a)	\$125.00
8.	Allow / permit a dog to cause damage to public or private property.	Section 5 (b)	\$125.00
9.	Allow / permit a dog to interfere with dumps or scatter garbage or trash.	Section 5 (c)	\$125.00
10.	Allow / permit a dog to chase pedestrians, bicyclists or vehicles.	Section 5 (d)	\$125.00
11.	Allow / permit a dog to attack any person, domestic animal or domestic bird.	Section 6	\$250.00
12.	Hinder or obstruct a Municipal Law Officer, Animal Control Officer, Peace Officer while performing there duties	Section 15	\$150.00

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Note: the general penalty provision for the offences listed above is section 13 of By-law 2015-027, a certified copy of which has been filed.

*Approved
H. Green*

THE HONOURABLE
JUSTICE HUGH L. FRASER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

COURT HOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
JUGE HUGH L. FRASER
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
161, RUE ELGIN, 6^E ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
FAX/TÉLÉCOPIEUR (613) 239-1572

January 6th, 2016

Village of Casselman
Box 710, 751 St-Jean Street
Casselman, Ontario
K0A 1M0

Attention: Mr. Kyle Templeton

Corresp: _____

Dossier: *reçu par Lise*

Dear Mr. Templeton:

**Re: Set Fines – Provincial Offences Act – Part I
By-law No. 2015-027: Dogs**

Enclosed herewith are the original Order dated January 6th, 2016 and original schedule of set fines for By-Law No. 2015-027, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Village of Casselman.

Yours truly,

A handwritten signature in black ink, appearing to read "H. Fraser", written over a horizontal line.


Hugh L. Fraser
Regional Senior Justice
East Region
Enclosures

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2015-027 of the Corporation of the Village of Casselman attached hereto is the set fine for that offence. This Order is to take effect on January 6th, 2016.

Dated at Ottawa this 6th day of January 2016.


.....
Hugh L. Fraser, Regional Senior Justice
Ontario Court of Justice
East Region

THE CORPORATION OF THE VILLAGE OF CASSELMAN
By-law No. 2015-060

BEING A BY-LAW TO AMEND BY-LAW NO. 2015-027

WHEREAS pursuant to the provisions of the *Municipal Act, 2001, Section 103*, the Council of a Municipality may enact by-laws for prohibiting, regulating, controlling and licensing dogs within the municipality;

AND WHEREAS Council deems it advisable to amend the dog control by-law 2015-027 for the Village of Casselman.

NOW THEREFORE the Council of the Corporation of the Village of Casselman enacts as follows:

1. That Schedule "C" of By-law 2015-027 is hereby amended as follows:

a) That sections 4 and 5 are hereby repealed and replaced by the following:

" 4. Impoundment fees:

Any dog impounded may be reclaimed as herein provided upon payment by the owner of an amount of \$80.00 for each dog plus an additional sum of \$25.00 for each day such dog is kept.

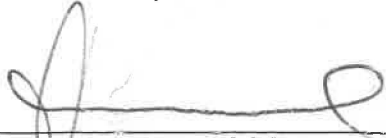
5. Destruction & disposal fees:

Any animal to be destroyed shall be in a humane manner and the cost shall be:

For each dog (Euthanasia): \$120.00"

2. That all other provisions of By-law 2015-027 shall remain in force.

Read a first, second and third time this 9th day of November, 2015.



Conrad Lamadeleine, Mayor



Marielle Dupuis, Clerk