

# Dog Designation Appeal Committee

## Terms of Reference

### 1. Name

The committee will be called the “Dog Designation Appeal Committee”.

### 2. Purpose/Mandate

The members of the Dog Designation Appeal Committee are appointed by the Council of the Township of Woolwich to hear dog owner’s appeals to the designation of a dog as potentially dangerous or dangerous by an Animal Control Officer, or agent.

### 3. Operation and Powers of the Committee

When a dog has been designated by the Township as potentially dangerous or dangerous and when an appeal hearing has been requested by the dog owner, the Dog Designation Appeal Committee may do any of the following:

- a) Affirm or rescind the Animal Control Officer’s designation of the dog;
- b) Substitute its own designation of the dog as potentially dangerous or dangerous;
- c) Substitute its own requirements, restrictions or conditions of the owner of the dog, including requirements the Dog Designation Appeal Committee may tailor to the specific circumstances before it or uphold or vary the requirements imposed by the Animal Control Officer, or agent.

### 4. Committee Composition

The membership of the Committee shall consist of a total of 5 members as follows:

- a) 2 Veterinarians;
- b) 1 representatives of a local kennel club or dog trainer; and
- c) 2 Citizens at large with related knowledge in animal control or animal behaviour.

When a vacancy occurs in the members, Council shall forthwith fill the vacancy.

The Township Clerk or his/her designate will act as staff liaison to the Dog Designation Appeal Committee.

One Animal Control Officer of the Township of Woolwich Enforcement Services Division, preferably the Officer that issued the Order, shall attend hearings of the Dog Designation Appeal

Committee. One staff member of the Corporate Services Department, as selected by the Clerk, shall attend hearings to serve as Committee Secretary. The responsibilities of the Officer and the Secretary are outlined in the procedures attached as Appendix "A" to this Terms of Reference.

The Dog Designation Appeal Committee members will choose a chair among members at their first meeting. The duties of the Chair shall be as set out in the Township's Procedural By-law with necessary modifications to apply to the Committee.

The Mayor, as an ex-officio member, may attend any meeting of the committee.

## 5. Honorarium

The members of the Dog Designation Appeal Committee shall receive an honorarium of \$75 per hearing and may claim a mileage expense if applicable. Council members are not paid honorariums to sit on committees but may submit a claim for mileage if applicable. The honorarium for the Committee shall be reviewed at the beginning of each term of Council.

## 6. Hearing Frequency

The Dog Designation Appeal Committee shall hold a hearing within 30 days of receipt of an Appeal to a Dog Designation Notice/Order by the Clerk. The hearing shall be held pursuant to the provisions of the **Statutory Powers Procedure Act**. All hearing shall be open to the public. Closed session meetings may only be held in accordance with Section 239 of the Municipal Act.

## 7. Term of Office

Dog Designation Appeal Committee members will be appointed for a four-year term of office aligned with the term of Council. Dog Designation Appeal Committee members may continue to serve up to six-months after a new term of Council until new members are appointed.

## 8. Meeting Procedures

The Dog Designation Appeal Committee will follow the Township's Procedural By-law with necessary amendments to apply to the committee. All meetings shall be public unless the committee is authorized to meet in closed session under section 239 of the Municipal Act.

A quorum shall consist of a majority of the members of the Dog Designation Appeal Committee for transacting the Committee's Business. The Dog Designation Appeal Committee shall not conduct business if a quorum is absent.

All decisions of the Committee shall be decided by a majority vote of the members present. The Chair will only vote to break a tie vote or to create a tie vote. A tie vote is a negative vote and if a tie vote occurs, the motion is considered lost.

If the Dog Designation Appeal Committee is unable to come to a decision in the time allotted for a hearing, it may reserve judgment and reconvene at a future date and time to be set by the Committee Secretary in consultation with the members of the Committee and Appellant.

The Rules of Procedure for the Dog Designation Appeal Committee are attached as Appendix "A" to this Terms of Reference.

## **Appendix "A"**

### **Dog Designation Appeal Committee Terms of Reference**

#### **Submission of Appeals to the Dog Designation Appeal Committee**

An owner of a dog that has received an Order designating the dog as dangerous or potentially dangerous, may appeal to the Dog Designation Appeal Committee by sending written notice of appeal to the Township of Woolwich Clerk within 5 business days of being served with the Order. An Order that has not been appealed within the time referred to above shall be deemed to be confirmed.

#### **Confirmed Orders:**

An Order that has not been appealed, or that has been confirmed or modified by the Dog Designation Appeal Committee, shall be final and binding upon the owner of the dog.

#### **File Numbering:**

Hearings shall be numbered consecutively throughout the year. For example, DD1-2013, DD2-2013, etc. The Committee Secretary keeps all records and minutes for each hearing under the L01 heading in the Active File System of the Council and Information Services Division.

#### **Length of Hearings:**

Hearings should be scheduled near the end of the workday when possible. The meeting location will be booked for 45 minutes for each Appeal. Hearings will be held in the Council Chambers of the Township's Administration Building at 24 Church Street West in Elmira.

#### **Duty of Enforcement Officer:**

For each hearing, the Animal Control Officer shall provide an information package that will be attached to each agenda. The information package shall contain:

A copy of the Order;

A report using the Township's standard report format which outlines why the Order was issued and provides details of the actions taken by the Animal Control Officer to date;

The Enforcement Officer shall attend all hearings of the Dog Designation Appeal Committee. The Officer shall provide a 5-minute verbal outline of why the Order was issued and shall answer any questions the Committee members may have.

#### **Duty of Committee Secretary:**

A Committee Secretary selected by the Clerk shall book hearings, secure a meeting room, circulate agendas, circulate decisions and minutes, attend hearings and transcribe minutes for circulation.

Requests for information from any member of the public, other than those circulated with minutes and decisions, shall be handled under the provisions of the **Municipal Freedom of Information and Protection of Privacy Act**.

#### **Agendas:**

Dog Designation Appeal Committee Hearings are open to the public however public notice of the meeting is not given. The Agenda is not posted on the Township's website.

Agendas with the attached information package are circulated by the Committee Secretary to: the Animal Control Officer that issued the Order, the Municipal Clerk, Deputy Clerk, the Appellant and his or her agent, if applicable.

**Decisions and Minutes:**

The Committee Secretary transcribes minutes and submits them to the Committee Chairperson for review and approval within 5 days of the hearing.

Decisions of the Committee are printed on Township letterhead and signed by the Committee Chairperson immediately following the hearing. The Committee Secretary circulates written decisions of the Dog Designation Appeal Committee within five days of the date of the hearing.

Minutes and decisions are circulated as follows: Animal Control Officer that issued the Order, the Municipal Clerk, Deputy Clerk, the Appellant and his or her agent (if applicable).

The decision of the Dog Designation Appeal Committee is final.