



TOWNSHIP OF
Adelaide Metcalfe

Request for Proposal (RFP)
RFP No. AM-06-2022

ANIMAL CONTROL SERVICES

June 9, 2022

Deadline for Receipt of Proposals: July 4, 2022 by 2:00pm EST

Proposals to be submitted by email to Morgan Calvert

(mcalvert@adelaidemetcalfe.on.ca)

Adelaide Metcalfe
2340 Egremont Drive
Strathroy, ON
N7G 3H6

1) DEFINITIONS

In this Request for Proposal, in addition to terms defined elsewhere in this Request for Proposal, the following terms have the following meanings:

“Adelaide Metcalfe” is a duly incorporated lower-tier municipality in the province of Ontario, within the meaning of the *Municipal Act, 2001*, SO 2001, c 25, as amended.

“Client” means any person who will endorse a contract. This could be Adelaide Metcalfe or a local participating municipality who have entered into a contract with the successful proponent resulting from this RFP. The Client has the power or right to provide orders or decisions;

“Cooperative Purchasing Agreement”- means that Adelaide Metcalfe has the authority to purchase and/or enter into a potential contract for Services with a Respondent which will allow Participating Municipalities, if they choose, to attach to Adelaide Metcalfe’s procurement processes, and that Adelaide Metcalfe has received authorization from Participating Municipalities to become a participant in this Request for Proposal and enter into a cooperative purchasing agreement with Adelaide Metcalfe.

“Mandatory Requirement” has the meaning described in section 3(a) of this Request for Proposal.

“Normal Business Hours” being Monday to Friday, 8:30am to 4:30pm excluding statutory holidays.

“Participating Municipality” means any of the following municipalities within the region of Southwestern Ontario in the Province of Ontario: the Township of Adelaide Metcalfe, the Municipality of Southwest Middlesex; the Municipality of West Elgin; the Municipality of Middlesex Centre; the Municipality of Brooke-Alvinston; the Municipality of Dutton-Dunwich; Village of Newbury; Township of Enniskillen; Town of Petrolia, and Township of Warwick

“Proponent” means any person or entity providing a proposal in response to this RFP.

“Rated Requirement” has the meaning described in section 3(b) of this Request for Proposal.

“Request for Proposal or RFP” means this document inclusive of all definitions and provisions contained therein.

“Services” means all of the requirements identified in this RFP, provided for in Proposals, and which may be incorporated into a potential contract (at the discretion of Adelaide Metcalfe and/or a Participating Municipality).

“Substantial Compliance” has the meaning as set out in section 3(c) of this RFP.

“Successful Respondent” means a Respondent which based on its proposal, receives a recommendation by the Evaluation Committee of this RFP to be able to discuss a potential contract for Services with Adelaide Metcalfe, the approval of Adelaide Metcalfe being required for the establishment of a potential Service contract with Adelaide Metcalfe

2) BACKGROUND AND INTENT OF THIS RFP

The current contracted animal control service provider (animal control, enforcement, and pound services) for a number of municipalities in and around Middlesex County, Elgin County, and, Lambton County will no longer be providing animal control services or have agreements that will be expiring this year. The Participating Municipalities are seeking an opportunity to formalize a potential contract with a new service provider through this RFP. Each Participating Municipality will be responsible for formalizing their own contract with the potential proponent that provides the best overall value and receives a recommendation from the Evaluation Committee (refer to Section 6) through this Request for Proposal.

Dog licensing requirements are set out in each municipality’s animal control by-law, a copy of each is appended to and forms part of this RFP package.

Adelaide Metcalfe is a Township in Middlesex County, Ontario, Canada, and is serving as the procurement lead for this RFP.

The municipalities involved are a mix of rural and small urban communities in Southwestern Ontario.

As a lower-tier municipality, Adelaide Metcalfe, and other participating municipalities, are responsible for providing animal services under the *Pounds Act* and may have additional services or requirements through by-laws passed under the *Municipal Act, 2001*.

Through this Request for Proposal (RFP), the Township is seeking proposals from qualified and experienced firms who are able to enter into an agreement up to a five-year term to provide:

- Animal Control By-law enforcement;
- Maintenance of a pound facility;
- Routine patrols;
- Emergency services;
- Statutory animal control officer duties, and;

- Other related duties in the Scope of Work, at the request of Adelaide Metcalfe, or Participating Municipalities.

Proponents must note that either the Township of Adelaide Metcalfe, or Participating Municipalities within this RFP may choose a contract start date, term or other conditions based on the respective municipality's needs and within the scope of this RFP.

Through this RFP, it is the intent that Adelaide Metcalfe or Participating Municipalities can enter into negotiations that may produce an agreement with the successful proponent as recommended by the Evaluation Committee and where Participating Municipalities may endorse contracts with the successful Respondent of this RFP or related service or services the Participating Municipalities chooses, however, there is no obligation for the Township of Adelaide Metcalfe or any Participating Municipality to enter into any particular contract.

Participating Municipalities have until November 1, 2022 to initiate contract discussions with the potential successful proponent to formalize their own contract based on this RFP for Animal Control Services and the responses from proponents.

Participating Municipalities may contact the potential successful proponent directly to formalize a potential contract for Animal Control Services.

3) PROPOSAL CONTENT AND DOCTRINE OF SUBSTANTIAL COMPLIANCE

This RFP includes both mandatory and rated requirements. Adelaide Metcalfe requests proposals which:

- i. confirm and demonstrate compliance with all of the stated mandatory requirements; and
- ii. should address or respond to each of the stated rated requirements.

a) Mandatory Requirements

Mandatory requirements are expressed in this RFP using terms such as “**must**” or “**shall**” and are followed by the letter (**M**) in section 5 of this RFP.

These mandatory requirements will be understood to constitute an imperative requirement of Adelaide Metcalfe with respect to this RFP. Proponents are required to provide a clear response to each mandatory requirement item in their proposals. If a mandatory requirement is not provided in a Proposal, that Proposal will be considered non-compliant with this RFP and will be unable to be evaluated/scored under the Rated Requirements Evaluation Criteria (see Evaluation Methodology in section 6 of this RFP) unless the doctrine of substantial compliance (as defined in this RFP) is deemed to apply by Adelaide Metcalfe in its sole and absolute discretion.

If a mandatory requirement is not technically feasible, not in line with industry standards, or contradicts other requirements, the Proponent should state so in writing to Morgan Calvert (mcalvert@adelaidemetcalfe.on.ca) on or before June 23, 2022 by 12:00 pm EST. Adelaide Metcalfe in its sole and absolute discretion may recommend changes to Proposals in an addendum to this RFP (see section 8a of this RFP).

b) Rated Requirements

Proposals will be evaluated and scored pursuant to the Evaluation Methodology set out in section 6 of this RFP. The Rated Requirements Evaluation Criteria rates how strongly and the ease at which the characteristics of the mandatory requirements provided in proposals meet the Adelaide Metcalfe's needs. Rated requirements in this RFP are followed by the letter **(R)** in section 5 of this RFP and will be assessed/scored by Adelaide Metcalfe in accordance with the Rated Requirements Evaluation Criteria set out in section 6(c) of this RFP.

Note to Proponents: It is essential that Proposals are stated in a clear and concise manner. Failure to provide complete information as requested will be to the Proponent's disadvantage.

c) Doctrine of Substantial Compliance

While it remains Adelaide Metcalfe's prerogative in its absolute and sole discretion to exclude any proposal from further evaluation or consideration for having failed to meet a mandatory requirement, Adelaide Metcalfe nevertheless reserves the right in its absolute and sole discretion to determine that a proposal substantively complies with a mandatory requirement. In such a case, substantive compliance means where the solution proposed or the proposal itself:

- i. accomplishes a mandatory requirement using an alternative method than that envisaged by Adelaide Metcalfe; and
- ii. the degree that the proposal is apparently non-compliant with the specified requirement is considered by Adelaide Metcalfe to be minor and not material to the overall procurement intent of this RFP.

4) AWARD, POTENTIAL CONTRACT, and TERM OF POTENTIAL CONTRACT

Adelaide Metcalfe reserves the right to accept or reject any and or all proposals should such be determined by Adelaide Metcalfe to be in Adelaide Metcalfe's best interest. Should only one proposal be received, Adelaide Metcalfe reserves the right to reject it. Adelaide Metcalfe does not guarantee that any proposal will produce a recommendation by the evaluation committee to Adelaide Metcalfe or that any contract for services will ultimately be endorsed by Adelaide Metcalfe. In the event there is a successful Proponent to this RFP, the Award to a successful Proponent is a recommendation by the evaluation committee for

the successful Proponent to discuss a potential contract with Adelaide Metcalfe.

Adelaide Metcalfe reserves the right to change its direction with respect to the term of any potential contract at any time prior to endorsement. In the event there is a successful proponent to this RFP and discussions with Adelaide Metcalfe ultimately fail to produce an endorsed contract, the Proponent in endorsing the RFP Response Form (attached as Appendix A) does hereby acknowledge that no damages or liability flow from such failure and does hereby release and hold harmless Adelaide Metcalfe for any costs or damages incurred by the Proponent in preparing a Proposal or negotiating with Adelaide Metcalfe.

Adelaide Metcalfe or Participating Municipalities may wish to enter into a long-term contract for the provision of Services with the successful Proponent for a term of up to five (5) years.

5) MANDATORY AND RATED REQUIREMENTS OF THIS RFP

a) Mandatory Requirements (M)

The contractor must:

- 1) Act as the Poundkeeper under the by-law;
- 2) Maintain a pound and adoption facility within an appropriate geographical location to Adelaide Metcalfe or Participating Municipalities, which facility and its operation shall be and remain in compliance with all applicable regulations, bylaws and other enactments, and in particular the Pound shall be maintained in a sanitary condition providing for humane treatment of animals impounded;
- 3) Keep the Pound open to the public during Normal Business Hours;
- 4) During Normal Business Hours, answer questions from the public by telephone or in person relating to the By-law and the Services;
- 5) Provide an emergency contact number for use by Adelaide Metcalfe, Participating Municipality, the public or local police service outside Normal Business Hours;
- 6) Administer and enforce the By-law (but excluding the administration of Adelaide Metcalfe or Participating Municipality's dog license system, which shall remain the responsibility of Adelaide Metcalfe or Participating Municipality) including without limitation attendance at any associated court appearances and legal proceedings, and shall exercise the enforcement authority contained within the By-law and the enforcement by-law;
- 7) Appear on behalf of the Adelaide Metcalfe or Participating Municipality in the prosecution of any municipal by-law or provincial offense notice/matters that are contested;

- 8) Make recommendations to Adelaide Metcalfe or Participating Municipality in cases where other By-law enforcement proceedings are necessary or desirable, including the commencement of summary proceedings, dog destruction orders under the *Dog Owners' Liability Act* or civil injunction proceedings for enforcement of the By-law;
- 9) Assist Adelaide Metcalfe or Participating Municipality in all legal enforcement proceedings with the retained prosecutor, including all required court appearances;
- 10) In the course of enforcing the By-law, assist the Adelaide Metcalfe or Participating Municipality with the sale and/or distribution of dog licences to owners of unlicensed dogs;
- 11) Account to Adelaide Metcalfe or Participating Municipality for all revenue from impoundment fees, boarding fees, fine revenues, adoption fees and fees from sales of licenses and/or replacement tags (where required), that are received by the Contractor in the course of providing the Services;
- 12) Remit to Adelaide Metcalfe or Participating Municipality not less than monthly all revenue received in the course of providing the Services;
- 13) Keep a detailed record of accounts and activities in relation to the Services;
- 14) Prepare and deliver to Adelaide Metcalfe or Participating Municipality on a quarterly report including at a minimum the following information:
 - a. Number of tickets, offence notices and warning notices issued;
 - b. Number and types of animals impounded, redeemed and euthanized;
 - c. Impoundment, boarding, adoption and ticket fine revenues received;
 - d. Number and types of complaints received; and
 - e. Number of hours spent on patrol and complaint response, with such information to cover both the reporting period and the year-to-date;
- 15) Pursue on Adelaide Metcalfe or Participating Municipality's behalf any civil remedy, including but not limited to dog destruction orders, injunctions or civil proceedings, authorized by resolution of the Municipality;
- 16) Obtain proof that a current dog license has been obtained and paid for in accordance with the By-law before releasing any impounded dog;
- 17) Maintain a monthly pound log in which shall be recorded, on a daily basis, all pound related transactions, including a description of every animal impounded, the date and place where the animal was impounded, the date when the animal was redeemed or otherwise disposed of, the disposition of the animal and the amount of money, if any, recovered in respect of the animal;
- 18) Maintain a monthly record of any reported dog bites which have occurred in that month, including information concerning the severity of the bit, the breed of the dog, the name and address of the dog owner, if known, the name of the person bitten and the details of any charges under the By-law or other legislation or regulations;
- 19) Ensure that the Animal Control Officers assigned to carry out work covered by this Contract:

- a. Have the skills, training and qualifications required to provide the Services;
 - b. Are thoroughly informed of the provisions of applicable By-laws, fine levels and offence descriptions;
- 20) Allow officers and employees of Adelaide Metcalfe or Participating Municipality acting in the course of their duties access at all reasonable times to records maintained by the Contractor under this Contract;
 - 21) Provide after-hours emergency call-out service or extended shifts, whichever is applicable, for serious incidents that require Services, including assistance to Police, Fire, and other By-law Enforcement, and in relation to attacks by dogs on people or animals, injured animals, and other extraordinary situations deemed to involve public safety in relation to domestic animals;
 - 22) Provide all vehicles, equipment, supplies, clothing, labour, materials, offices, facilities and things whatsoever required for the provision of the Services;
 - 23) Respond to all requests for pick-up of confined animals during the hours of 8:00 a.m. to 8:00 p.m. every day of the year. The term "confined" shall mean "kept or restricted within certain limits" such as but not limited to the animal being kept or restricted to the interior of a garage or fenced in area.
 - 24) Pick up stray dogs and cats and, in addition, will also respond to requests to pick up other injured or sick animals, confined where possible, such as raccoons, skunks, possum etc. only as requested and authorized by the municipality when possible
 - 25) Shall play an integral role in Kennel License reviews including conducting kennel licensing and/or complaint inspections
 - 26) Shall play an integral role in by-law enforcement and vicious dog matters including responding to dog attacks, dogs to be deemed as vicious, identified as Pit Bulls, and all Dog Owner Liability Act processes
 - 27) Provide pound facilities for required quarantine periods as requested by the local health unit, police service or the municipality
 - 28) Provide patrols upon request and pound facilities where dogs are found to be running at large
 - 29) Provide names of employees to be appointed as By-law Enforcement Officers to the municipality for the purposes of enforcement of Animal Control By-laws and appointment of an Animal Control Officer(s).
 - 30) Be in compliance with the *Occupational Health and Safety Act*;
 - 31) Comply with the *Municipal Freedom of Information and Protection of Privacy Act*, with respect to any personal information that comes into the Contractor's possession in the course of its performance of the Services;
 - 32) Confirm that the Proponent will act as an independent contractor

b) Strength of Mandatory Requirements (R)

The extent to which and ease at which the specific characteristics of the mandatory features (5a above) provided in proposals meet Adelaide Metcalfe's

intention and needs as stated in section 2 of this RFP will be rated (R) pursuant to the Rated Requirements Evaluation Criteria set out in section 6(c) of this RFP.

c) Additional Services (M)(R)

Please provide a list of any additional services or products that the Proponent may provide as they relate to the Services.

d) Strength of Additional Services (R)

The extent to which and ease at which the specific characteristics of the Additional Services (5c above) provided in proposals meet Adelaide Metcalfe's intention and needs as stated in section 2 of this RFP will be rated (R) pursuant to the Rated Requirements Evaluation Criteria set out in section 6(c) of this RFP.

e) Proposed Pricing Model (M)(R)

The Proposed Pricing Model in each Proposal submitted must:

1. Include an hourly cost model that may be incorporated into a contract based on the mandatory requirements in section 5(a) and the additional services in section 5(c) of the RFP.
2. Include a proposed overall five (5) year cost model that may be incorporated into a potential contract.

f) Experience and Qualifications (M)(R)

Respondents must provide three (3) references that we may contact.

Respondents shall provide a short description of their current and past experience in providing Animal Control Services for other clients similar in nature to Adelaide Metcalfe.

Describe the experience and qualifications of key team members that will be involved in the provision of Animal Control Services.

g) RFP Response Form (Acknowledgement) (M)

A scanned copy of an original endorsed RFP Response Form (attached as Appendix A) must be attached to the proposal by the deadline for receipt of proposals (July 4, 2022 by 2:00 pm EST).

6) EVALUATION METHODOLOGY

a) Evaluation Committee

Proposals will first be examined by the Evaluation Committee which will be comprised of 2 members from Adelaide Metcalfe and 2 members from Participating Municipalities. These members will work through the method found in this section, to make a recommendation of the successful proposal and provide this recommendation to Adelaide Metcalfe for a decision.

b) Examination for Compliance with Mandatory (M) Requirements

Proposals will first be examined for compliance with the mandatory requirements of this RFP. If a mandatory requirement is not provided in a proposal, that proposal will be considered non-compliant with this RFP and will be unable to be evaluated/scored under the Rated Requirements Evaluation Criteria (section 6c of this RFP) unless the doctrine of substantial compliance (as defined in this RFP) is deemed to apply by Adelaide Metcalfe in its sole and absolute discretion.

c) Rated (R) Requirements Evaluation Criteria

The rated requirements of compliant proposals will be evaluated under the Rated Requirements Evaluation Criteria provided in the table below.

The lowest cost, or any proposal at all, will not necessarily be accepted by Adelaide Metcalfe. The basis for selection of a proposal will be the proposal that provides the best overall value as determined by the exercise of the Rated Requirements Evaluation Criteria. In the event a proposal is selected by the committee, the award by the committee is a recommendation for the proponent to be able to formalize a potential contract with Adelaide Metcalfe.

Adelaide Metcalfe reserves the right to accept or reject any or all proposals should such be deemed by Adelaide Metcalfe in its sole discretion to be in its best interest. Should only one proposal be received, Adelaide Metcalfe reserves the right to reject it.

ITEM	RATED REQUIREMENTS EVALUATION CRITERIA	EVALUATION WEIGHING
1.	Strength of Mandatory Requirements	25%
2.	Strength of Additional Services	5%
3.	Experience and Qualifications (including quality of references)	35%
4.	Professionalism of Proposal	5%
5.	Proposed Pricing Model	30%
Total		100%

7) ADDITIONAL GENERAL CONDITIONS OF THIS RFP

a) Independent Contractor Status of Proponent; Indemnity and Insurance Acknowledgement

The Proponent acknowledges that in providing a proposal that it provides such as an independent contractor and for the sole purpose of providing Animal Control Services. Neither the Proponent nor any of its personnel is engaged as an employee, servant or agent Adelaide Metcalfe or a Participating Municipality.

As an independent contractor, the Proponent further acknowledges that in the event it was to enter into a potential contract with Adelaide Metcalfe or a Participating Municipality, it would be required in any such contract to:

1. release, indemnify and hold completely harmless Adelaide Metcalfe and/or a Participating Municipality from any and all liability, including legal costs, which may be attributed to the negligence of the Proponent in its provision of Services;
2. the Proponent must provide an insurance policy that appropriately covers the Services required through this RFP and that aligns with industry standards and / or best practices for Animal Control Services.

b) Subcontracting and Assignment

The Proponent acknowledges that in any potential contract with Adelaide Metcalfe or Participating Municipalities, no subcontracting or assignment of rights and obligations of the Proponent will be permitted without the written consent of Adelaide Metcalfe or Participating Municipality, whichever the case may be. At all times throughout the term of a contract, including any renewals, Adelaide Metcalfe and/or a Participating Municipality shall communicate and respond directly with the Proponent.

8) ADDITIONAL SPECIAL CONDITIONS OF THIS RFP

a) Addenda

Adelaide Metcalfe reserves the right to revise this RFP up to the final date for the deadline for receipt of proposals (July 4, 2022 by 2:00 pm EST). **Any necessary addenda to this RFP will be posted on Adelaide Metcalfe Website (<https://www.adelaidemetcalfe.on.ca/doing-business-0>) ONLY.**

Adelaide Metcalfe at its discretion may or may not change the date for submissions depending on the date and extent of any Addenda.

b) Question Period

In the event any proponent has clarification question(s) on the requirements for the submission of a proposal pursuant to this RFP, such questions must be submitted by emailing Morgan Calvert (mcalvert@adelaidemetcalfе.on.ca) on or before June 23, 2022 by 12:00 pm EST.

Answers to all clarification questions with respect to the submission of a proposal will be provided in an addendum which will be posted on Adelaide Metcalfe's Website (<https://www.adelaidemetcalfе.on.ca/doing-business-0>) ONLY, by June 28, 2022 by 4:30 pm EST.

Only answers requesting clarification on the requirements for the submission of a Proposal will be answered.

c) Ownership

At all times, all files used to create web pages, templates, images or other elements associated with this project, and all copyrights will belong to Adelaide Metcalfe and/or the Participating Municipality. Additionally, the Client may make subsequent changes to the delivered Services at the Client's discretion.

d) Confidentiality

The Proponent acknowledges that any and all information relating to the business and affairs of Adelaide Metcalfe and/or a Participating Municipality are confidential and that in the event the Proponent is able to formalize a contract with Adelaide Metcalfe and/or a Participating Municipality, any agreement with the Client will include a confidentiality clause requiring the strict protection of such confidentiality by the Proponent.

9) SUBMISSION OF PROPOSALS AND TIMELINE OF RFP EVENTS

a) Submission of Proposals (M)(R)

Please ensure that your Proposal:

1. Includes the name and contact particulars of the Proponent.
2. Follows the flow of this RFP document, including numbering and structure.
3. Include name, contact information, experience and qualifications of all primary team members who will work on this project.
4. Provide for and addresses all mandatory (M) and rated (R) requirements of this RFP (see Section 5 of the RFP).

5. Include a scanned copy of an original endorsed RFP Response Form (attached as Appendix A of this RFP).
6. Include a scanned copy of the original endorsed AODA Contractor Compliance Statement Form (attached as Appendix B of this RFP).
7. Must provide proof of insurance as per Section 7(a) of this RFP.
8. Must include a copy of their WSIB Clearance Certificate.
- 9. Is submitted by email to Morgan Calvert (mcalvert@adelaidemetcalfe.on.ca) by July 4, 2022 by 2:00 pm EST.**

In the event you have any questions with respect to the requirements for the submission of a proposal pursuant to this RFP, you may submit questions as per Section 8b.

b) Timeline of RFP Events

Event	Date
Posting of RFP <ul style="list-style-type: none"> • Adelaide Metcalfe’s Website (https://www.adelaidemetcalfe.on.ca/doing-business/bids-and-tenders) 	June 9, 2022
Final date for submission of clarification questions	June 23, 2022 by 12pm EST
Posting of answers to clarification questions <ul style="list-style-type: none"> • Adelaide Metcalfe’s Website (https://www.adelaidemetcalfe.on.ca/doing-business/bids-and-tenders) 	June 28, 2022 by 4:30pm EST
Deadline for receipt of proposals	July 4, 2022 by 2pm EST
Evaluation of proposals and Potential Award of RFP	During the weeks of July 4th and July 11 th , 2022

Appendix A

RFP RESPONSE FORM (ACKNOWLEDGEMENT)

Request for Proposal
RFP No. AM-06-2022
Animal Control Services

I/We have read and understand this RFP, including all Addenda to this RFP, and hereby agree to all of the terms and conditions noted in this RFP and all Addenda thereto.

Dated at _____, Ontario this ____ day of _____, 2022.

_____ Name of Proponent (please print)

_____ Address

_____ Telephone

_____ Facsimile

_____ Email

Per: _____ Signature of Proponent

_____ (Name), _____ (Position)

I have authority to bind the _____ (business type)

Appendix B

AODA CONTRACTOR COMPLIANCE STATEMENT FORM

I/We, certify that we are in **full compliance** with the Integrated Accessibility Standards Regulation (Ontario Regulation 191/11) under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and have provided the necessary training to all staff (employees, agents, volunteers, or others for whom we are responsible).

I/We are required to comply with all relevant/applicable and any future additions or modification to legislation as they become enacted to accessibility standards and regulations.

In accordance with the training requirements of Ontario Regulation 191/11 the training that I/We provided includes the following content:

1. A review of the purpose and requirements of the Accessibility for Ontarians with Disabilities Act and the Human Rights Code;
2. The requirements of the Integrated Accessibility Standards Regulation;
3. The requirements of the Accessible Customer Service Standard Regulation;
4. Review of Adelaide Metcalfe Accessibility Policy

The necessary training will be delivered on an ongoing basis to all new staff (employees, agents, volunteers, or others for whom we are responsible) prior to providing goods or services to, or on behalf of, Adelaide Metcalfe or Participating Municipality.

I/We shall ensure that training records are maintained, including dates when training is provided, the number of personnel who received training and individual training records. I/We are to ensure that this information is available to Adelaide Metcalfe or Participating Municipality, any time during the Term of the Contract.

I/We shall only assign those staff who have successfully completed training in accordance with Ontario Regulation 191/11, to provide services to, or on behalf of, Adelaide Metcalfe.

Company Name:

Address:

Town/City:

Postal Code:

Name(s):

Title(s):

Signature(s):

Date:

I/We have the authority to bind the Company.

Training resources are available online for your convenience:

- Access Forward: Training for an Accessible Ontario <http://accessforward.ca/>
-

For further information about the regulations please contact Adelaide Metcalfe
Clerk: Mike Barnier

Phone: 519-247-3687

Email: mbarnier@adelaidemetcalfe.on.ca

Accessible formats of this document are available upon request.

**THE CORPORATION OF THE TOWNSHIP OF ADELAIDE
METCALFE**

BY-LAW #36-2009

Being a By-Law for prohibiting or regulating the running at large of dogs in the
Township of Adelaide Metcalfe

WHEREAS the Municipal Act, Chapter 45, Section 210 (13) provides for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding dogs running at large contrary to the By-Law, and for selling dogs so impounded at such time and in such manner as is provided by the By-Law;

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

1.
 - (a) "Dog" means a male or female dog, over the age of 12 weeks.
 - (b) "Owner" means a person or persons who possesses, harbours, or has custody of a dog and where the owner is a minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning.
 - (c) "Animal Control Officer" means Glencoe Animal Shelter or any person or association in its employ.
 - (d) "Officer" means:
 - (i) any police officer
 - (ii) any person or the employee or agent of any entity authorized by the Corporation for the purposes of enforcing and carrying out the provisions of this by-law.
 - (e) "Purebred" means registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
 - (f) "Vicious Dog" means any dog with a known propensity, tendency or disposition to attack without provocation, humans, domestic animals, or other animal and vicious and/or dangerous shall have a corresponding meaning.
 - (g) "Not Under Control of Any Person" means when a dog is not on a lead/leash held by a person or not otherwise restrained.
 - (h) "Lead/leash" means a chain, rope or other restraining device of not more than 3.5 meters.
 - (i) "Muzzled" means that the mouth of a dog is fastened or covered with a humane fastening or covering device of adequate strength to prevent the dog from biting.
2. Every owner of a dog shall, on or before the 31st day of May in each year, or upon becoming the owner of a dog after the 31st day of May register such dog with the Animal Control Officer or the Clerk and procure a license and dog tag for each dog owned by them.
3. Every tag shall bear the serial number and the year for which it was issued and a record shall be kept by the Township Clerk showing the name and address of the owner and the serial number of the tag.
4. The owner shall keep the dog tag securely fixed on the dog at all times.

5. The fee charged for replacement of lost tags shall be Five Dollars (\$5.00).
6. Every person who fails to comply with Section 2 of the By-Law or who uses a tag upon a dog other than that which it was issued to is liable to a fine of not less than One Hundred Dollars (\$100.00), exclusive of costs.
7. Every license issued pursuant to this By-Law shall expire on the 31st day of December of the year in respect of which it was issued and the license shall be as follows:

(i) First dog -	\$ 25.00
(ii) Second dog -	\$ 35.00
(iii) Every dog over two -	\$ 45.00
(iv) Kennel License -	\$100.00
(v) Replacement tag -	\$ 5.00
(vi) Enabling Dog -	No Charge
(vii) Payment added to property taxes per dog plus license fee -	\$ 20.00

KENNELS

- 1) A separate application shall be made for each kennel on an annual basis, as shown on the attached Schedule A.
- 2) No kennel shall be erected, maintained or operated unless a kennel permit has been issued, as per attached Schedule B.
- 3) Every owner of a kennel shall pay to the Municipality a kennel permit fee for each year or any portion thereof as may be established annually.
- 4) Every kennel shall provide adequate, property-confining and be kept in a clean and sanitary condition free of refuse of any kind at all times.
- 5) The total number of dogs allowed in a kennel may be restricted by the Animal Control Officer(s).
- 6) Kennel premises may be inspected at any time, before a new permit is issued, renewal of a permit or upon receipt of specific complaints by the Municipality. Such inspections are to be carried out by the Animal Control Officer(s) or any other person designated by Council.
- 7) Proof of "up to date" membership in the Canadian Kennel Club shall be submitted with the application for kennel permit.
- 8) No kennel shall be established except as permitted under the applicable Zoning By-Law.
- 9) Where an owner or operator of a kennel fails to maintain the required standards or is guilty of an infraction under any part of this by-law, the permit may be suspended or revoked.
8. (a) No person, being the owner or keeper of any dog within the municipality, shall permit any such dog to run at large.
- (b) Any officer shall be and is hereby authorized to seize and impound any dog found running at large within the municipality contrary to the provisions of this by-law.

- (c) Where a dog seized and/or impounded under this by-law is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, an officer or veterinarian may euthanize the dog in a humane manner.
9. 1) A Peace Officer or Animal Control Officer may:
- (a) seize and impound any dog found running at large; and
 - (b) restore possession of the dog to the owner thereof where:
 - (i) The owner claims possession of the dog within five days (exclusive of statutory holidays and Sundays) after the day of seizure; and
 - (ii) The owner pays to the Peace Officer or Animal Control Officer or other duly authorized person a pound fee of Twenty-Five Dollars (\$25.00), plus a maintenance fee of Five Dollars (\$5.00) for each day subsequent to the day of seizure that the dog remains impounded.
- 2) a) Where, at the end of five (5) days possession, if the dog(s) has not been restored to the owner, the Animal Control Officer or other duly authorized person shall sell or dispose of the dog.
- b) Where the owner of a dog has not claimed the dog(s) within five (5) days after its seizure and the dog has not been sold, the Animal Control Officer may destroy the dog in a humane manner or otherwise dispose of the dog(s) as they see fit and no damages or compensations shall be recovered on account of the disposition.
- c) Where a dog seized is injured or should be destroyed without delay for humane reasons or for reasons to safety to persons or animals, the Peace Officer or Animal Control Officer may destroy the dog in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensations shall be recovered on account of its destruction except where the owner of the animal is known, they may be permitted to make arrangements for the animal to be transferred at their expense to a Veterinary Hospital.
- 3) a) Every person who contravenes Section 8 of this By-Law is guilty of an offence and on summary conviction is liable to a fine of not less than One Hundred and Fifteen Dollars (\$115.00) exclusive of costs, and every fine is recoverable under the Provincial Offences Act, 1989, s84, s4(4).

10. KEEPING OF DOGS

- a) Every person who owns a dog within the municipality shall provide the dog with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
- b) If a dog is customarily kept out of doors, the person who owns such a dog shall, at all times, provide for its use a structurally sound, weather-proof enclosure with off the ground flooring.
- c) Every person who owns an unsprayed female dog shall during each period the dog is in heat, keep it confined so that it will not attract other dogs.
- d) No person within the municipality shall keep a dog tethered on a chain, rope or similar restraining device of less than 3.5 metres in length.

11. VICIOUS DOG

- a) The owner of any dog that has been determined to be vicious by an officer in accordance with the definition as set out in this by-law may be required to do any or all of the following:
- i) not allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5 metres in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent the dog from biting another animal or human;
 - ii) When the dog is on the owner's premises it may be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet, capable of preventing the entry of children or other animals and adequately constructed to prevent the dog from escaping;
 - iii) conspicuously display a sign on his/her premises warning that there is a vicious dog on the property;
 - iv) so confine the said dog in a manner that will allow persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by the said dog;
 - v) notify the poundkeeper immediately if a vicious dog is loose, unconfined, has attacked another animal or human or has died or has been given away.
- b) Non-compliance with any of the provisions as set forth in 11a) may result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "C" to this by-law.

12. INSPECTION BY OFFICER

Every owner shall allow any officer to carry out an inspection of premises where dog(s) of the owner is kept or to make inquiries deemed necessary for the purposes of insuring compliance with the provisions of this by-Law.

13. PENALTIES

Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

14. SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder of the by-law and if a court of competent jurisdiction shall declare any provision of this by-law invalid, such declaration shall not affect the validity of the remainder thereof.

15. All previous By-Laws of the Corporation of the Township of Adelaide Metcalfe pertaining to dogs are hereby rescinded as of the effective day of this By-Law.

16. This By-Law shall come into force and effect upon final passing hereof.

Read a first, second and third time

IN OPEN COUNCIL

This 16th day of November, 2009



John Milligan, Mayor



Fran I. Urbshott
Administrator/Clerk/Treasurer

SCHEDULE "A"

BY-LAW #36-2009
TOWNSHIP OF ADELAIDE METCALFE

APPLICATION FOR KENNEL PERMIT

Name of Kennel: _____

Owner: _____
(Full Name)

Mailing Address: _____

Telephone Number: (Home) _____ (Business) _____
(If more than one registered owner with a different address or telephone number, attach a separate sheet)

Legal Description of Property on which Kennel is to be operated:

Professional Affiliations of the Applicant:

Canadian Kennel Club Yes () No ()

Ontario Dog Kennel Organization Yes () No ()

Other (specify) _____

Breed of dogs: _____

Calendar year for which permit is requested: _____

Is this application a renewal: Yes () No ()

Kennel Permit

FOR MUNICIPAL USE ONLY:

1. Animal Control Officer:

New Permit: Inspection completed: _____
(Date)

New/Renewal Comments:

Permit Recommended? Yes () No ()

(Animal Control Officer) (Date)

2. Clerk:

Property Zoned: _____ Compliance: Yes () No ()

(Clerk) (Date)

3. Building Department:

Based upon drawing submitted, a building permit _____ required.
(is or isn't)

Comments: _____

(Chief Building Official) (Date)

Permit issued: _____
(Date) (Issued by)

SCHEDULE "B"

BY-LAW #36-2009
TOWNSHIP OF ADELAIDE METCALFE

KENNEL PERMIT

Kennel Permit No. _____ Year: _____

Date Issued: _____

Name of Kennel: _____

Applicant: _____
(Full Name)

Mailing Address: _____

Telephone Number: (Home) _____ (Business) _____

Lot No. ___ Conc./Plan No. ___ Municipal Address _____

Permit fee of _____ dollars received this _____ day of _____, 20____.

This kennel permit is issued to the owner described above, being the owner of the kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act (Canada)*, subject to the provisions of the *Municipal Act* and to the by-laws of the municipality. No further fees in respect of such dogs is payable.

Signature of Issuer

Original to owner
Copy for Municipality

Kennel Permit

NOTE: Applicant must attach hereto a diagram showing:

- The true shape and dimensions of the property (drawn to a scale of 500:1)
- The location, height and dimensions of the kennel structure (drawn to scale of 100:1)
- The location and dimensions of all runs used in connection with the kennel (drawn to a scale of 100:1)
- The location and dimensions of all other buildings and structures on the property and their distances from kennel structures.

STATEMENT OF FACT

I/We _____ hereby make application for the following permit. As part of this application, I/We make the following statement of fact:

1. The information set forth in this application is true and accurate.
2. I/We agree to comply with all By-laws and Regulations of the Township of Adelaide Metcalfe, it being expressly understood that receipt of a permit does not relieve the owner from complying with all the said by-laws or Regulations. I/We further agree that if the license is revoked for any cause of non-conformance of the said By-laws or regulations that in consideration of the issue of the permit all claims are waived arising therefrom against the Township of Adelaide Metcalfe.
3. I/We understand that making a false Statement of Fact may result in the application for a permit being refused.

This State of Fact was made before me on _____, 20____.

Witness: _____ Applicant: _____
(Name)

_____ Applicant: _____
(Address)

(Telephone Number)

THE CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE

SCHEDULE "C" TO BY-LAW NO. 36-2009

SHORT FORM WORDING AND SET FINES

ITEM	COLUMN 1 DESCRIPTION OF OFFENCE	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE (D)	COLUMN 3 SET FINE (Including Costs)
1.	Fail to prohibit dog from running at large	Section 8 (a)	\$115.00
2.	Fail to keep vicious dog leashed	Section 11(a)(i)	\$155.00
3.	Fail to keep vicious dog muzzled	Section 11(a)(i)	\$155.00
4.	Fail to keep vicious dog confined	Section 11(a)(ii)	\$155.00
5.	Fail to display dangerous dog sign	Section 11(a) (iii)	\$55.00
6.	Fail to allow officer to inspect	Section 12	\$55.00
7.	Fail to pay annual kennel fee	Section 7.3	\$105.00
8.	Fail to provide dog with basic necessities	Section 10(a)	\$105.00
9.	Tether dog on restraining device less than 3.5 meters	Section 10(d)	\$105.00
10.	Fail to provide dog(s) with adequate shelter	Section 10(b)	\$105.00
11.	Fail to confine dog in heat adequately	Section 10(c)	\$60.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 12 OF BY-LAW NUMBER 36-2009, A CERTIFIED COPY OF WHICH HAS BEEN FILED.

CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE

BY-LAW #26-2016

**BEING A BY-LAW TO PROHIBIT AND REGULATE THE KEEPING OF ANIMALS
WITHIN THE TOWNSHIP OF ADELAIDE METCALFE**

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001,c.25, as amended provides that a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 11 of the *Municipal Act*, S.O. 2001, c.25, provides that lower-tier municipalities may pass by-laws respecting animals;

AND WHEREAS Section 8 of the *Municipal Act*, S.O. 2001, c.25, provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter.

AND WHEREAS Council deems it expedient to enact a by-law for the prohibition or restriction of animals;

NOW THEREFORE the Council of the Corporation of the Township of Adelaide Metcalfe

ENACTS AS FOLLOWS;

1. DEFINITIONS

In this by-law, the term

- 1.1 "Animal" means any member of the animal kingdom, other than human.
- 1.2 "Animal enclosure" means an enclosed place for the keeping of animals, but the yard of a property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the yard itself, shall not be deemed to be an animal enclosure.
- 1.3 "At large" or "trespass" means an animal being at any place other than the premises of the owner of the animal and not under the control of the owner or person acting on behalf of the owner, including not being on a leash or tethered, except where the owner of the property, other than the animal owner's property, permits the animal to be on his or her property.
- 1.4 "By-law Enforcement Officer" means a person or company appointed by the Township of Adelaide Metcalfe to enforce the by-laws of the Township.
- 1.5 "Corporation" means the Corporation of the Township of Adelaide Metcalfe
- 1.6 "Council" means the Council of the Corporation of the Township of Adelaide Metcalfe.
- 1.7 "Domestic animal" means an animal kept by or living with human beings.
- 1.8 "Harbour" means to give shelter to an animal.
- 1.9 "Household Pet" means any form of livestock which could normally be purchased in a pet store, which would normally spend all or part of its life within a dwelling unit, which is owned by a resident of the dwelling unit and which is not kept for profit or gain.
- 1.10 "Keep" means to have continuous charge of an animal.
- 1.11 "Own" means to have an animal belonging to oneself.

- 1.12 "Owner" means a person who keeps, harbours or has custody of an animal, and, in the case of a minor, "owner" means the person responsible for the custody of the minor. If there is more than one owner of an animal, they are jointly and severally the owner.
- 1.13 "Person" means an individual, partnership, association, firm or corporation.
- 1.14 "Possess" means to hold an animal as property.
- 1.15 "Pound" means such premises and facilities designated by the Township for the purposes of impounding and caring for animals taken up by the Township of Adelaide Metcalfe in violation of this by-law.
- 1.16 "Premises" means dwelling unit, a house or building and the land or premises on which the building or house is situated or attached.
- 1.17 "Sanitary condition" means a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent attractants which endanger the health, comfort or convenience of any person or animal.
- 1.18 "Township" means the Corporation of the Township of Adelaide Metcalfe.
- 1.19 "Veterinarian" means a member of the College of Veterinarians of Ontario.

2. KEEPING OF ANIMALS

- 2.1 Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of:
- i) A shelter for the animal that protects the animal from exposure to the elements;
 - ii) A shelter for the animal that is adequate for its size and breed;
 - iii) Adequate amounts of potable water for the animal; and
 - iv) Food of a type and in amounts nutritionally adequate for the animal.
- 2.2 No person shall keep an animal in unsanitary conditions.

3. RESTRICTED ANIMALS

- 3.1 Except as otherwise permitted by this by-law, no person shall keep, harbour or possess any animal or animals of any of the following classes in the Township of Adelaide Metcalfe:
- i) All marsupials (such as kangaroos and opossum);
 - ii) All non-human primates (such as gorillas and monkeys);
 - iii) All felids (such as lions and tigers), except for the domestic cat;
 - iv) All canids (such as wolves and hybrids), except for the domestic dog;
 - v) All viverrids (such as mongoose, civets and genets);
 - vi) All mustelids (such as skunks, weasels, otters and badgers), except the domestic ferret;
 - vii) All ursids (bears);
 - viii) All artiodactylous ungulates (such as domestic goats, sheep, pigs and cattle);
 - ix) All procyonids (such as raccoons, coatis and cacomistles);
 - x) All hyaenas;
 - xi) All pinnipeds (such as seals, fur seals and walruses);
 - xii) All snakes of the families Pythonidae and Boidae;
 - xiii) All venomous reptiles;
 - xiv) All ratite birds (such as ostriches, emus, rheas, cassowaries);
 - xv) All diurnal and nocturnal raptors (such as eagles, hawks and owls);
 - xvi) All edentates (such as anteaters, sloths and armadillos);
 - xvii) All bats;

- xviii) All crocodilians (such as alligators and crocodiles);
- xix) All arachnids (such as tarantulas);
- xx) All galliformes (such as grouse, pheasants, turkeys);
- xxi) All anseriformes (such as ducks, geese, swans);
- xxii) All sciuridae (such as prairie dogs, giant squirrels and flying squirrels);
- xxiii) All perissodactylus ungulates (such as horses and zebra);
- xxiv) All elephants;
- xxv) Any other exotic animal not specified above or animal recognized as "alternate livestock by Ontario Ministry of Agriculture and Food or "farmed animal" as recognized by the Ministry of Natural Resources and Forestry.

3.2 Notwithstanding Section 3.1, the following animals may be kept on land that is both (a) zoned for agricultural use and (b) is lawfully used for the agricultural purposes permitted on such land, under the Township Zoning By-law:

- i) Horse
- ii) Zebra
- iii) Donkey
- iv) Pony
- v) Mule
- vi) Cow or Steer
- vii) Goat
- viii) Swine
- ix) Mink
- x) Fox
- xi) Sheep
- xii) Chinchilla
- xiii) Chicken
- xiv) Turkey
- xv) Peafowl
- xvi) Emu
- xvii) Grouse
- xviii) Pheasant
- xix) Duck
- xx) Geese
- xxi) Swan
- xxii) Guinea Hen
- xxiii) Any other domestic farm animal.

4. EXCEPTIONS

- 4.1 Notwithstanding Section 3, the prohibition or restriction shall not apply in the following places or circumstances:
- i) A public health laboratory
 - ii) A pound facility
 - iii) A veterinary hospital or clinic under the care of a licensed veterinarian
 - iv) On premises registered as a research facility under Section 5 of the Animals for Research Act, R.S.O. 1990
 - v) Those granted an exemption under this By-law by the Township of Adelaide Metcalfe

5. EXEMPTIONS

- 5.1 Despite Section 3, a person may be permitted to keep such prohibited animal(s) provided the animal owner complies with the following conditions:
- i) The prohibited animal was housed on a property within the limits of the Township prior to the adoption of this By-law and such prohibited animal is registered at the Township office;
 - ii) The animal is kept in an environment which is appropriate for the species;

- iii) The animal is kept in an animal enclosure whereby the animal cannot escape without human interference and which is wholly contained on the property of the person requesting the exemption;
- iv) The owner of the animal is the owner of the property as provided on the most recently returned Assessment Roll. An animal owner who is not the owner of the property shall provide a letter from the property owner acknowledging the keeping of prohibited animal;
- v) The animal owner has filed a letter of request, as shown in Schedule 'A' for an exemption from Section 3.1 of this By-law and has received approval in writing from the Clerk; and
- vi) An initial on-site inspection is conducted of the prohibited animals and respective animal enclosure by an authorized representative of the Township. A person who requests an exemption from Section 3.1 of this By-law is responsible for all costs to the Township in connection with the processing of the request, including the cost of obtaining an expert opinion about the appropriateness of the proposed exemption, should the Clerk consider this action to be necessary.

5.2 The burden of proof for an exemption from Section 3.1 rests with the person making the request for exemption to the Clerk. Written approval from the Clerk shall be deemed as an exemption from Section 3.1 of this By-law.

5.3 The Clerk shall maintain a list of all prohibited animals and owners for which an exemption has been granted in accordance with Section 5.1.

5.4 The exemption issued under Section 5 may be revoked at any time by the Clerk of the Township following ten (10) days written notice to the animal owner including but not limited to the following reasons:

- i) Prohibited animal being kept in unsanitary conditions;
- ii) Prohibited animal found at large or trespassing;
- iii) Prohibited animal being inadequately kept in enclosure;
- iv) Prohibited animal seized by outside agency, which includes but is not limited to the Ontario Provincial Police.

6. PENALTY PROVISIONS

6.1 Every person who contravenes any provision of this By-law is guilty of an offence; and, upon conviction, subject to such penalties as are established under the Provincial Offences Act, R.S.O. 1990, and c.P.33, as amended.

7. SEVERABILITY

7.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law shall be valid and shall remain in force.

7.2 Where the provisions of this By-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

7.3 This By-law is not intended to supersede, replace or augment Provincial Legislation and Federal Statutes with respect to Endangered Species or Species At Risk.

8. SHORT TITLE

8.1 This By-law may be cited as the "Regulating Animals By-Law".

9. REPEAL SECTIONS

- 9.1 This By-law hereby repeals any previous by-laws for the prohibiting and regulating of the keeping of animals within the Township other than domestic dogs.
- 9.2 This By-law shall come into force and take effect on the date that it is given third and final reading and passed.

READ A FIRST, SECOND AND THIRD TIME

IN OPEN COUNCIL

This 7 day of November, 2016



Kurtis Smith, Mayor



Cathy Case, Treasurer/Acting Administrator-Clerk

TOWNSHIP OF ADELAIDE METCALFE
Schedule A to By-law No. 26-2016
“Regulating Animals By-law”

Application for Exemption – Section 5

APPLICANT NAME:

ADDRESS:

PHONE & EMAIL:

Location and Description of Property:

I am an owner of this property

YES ()

NO ()

Type of Prohibited Animal:

Attach photograph of animal

Location where the prohibited animal will be housed:

Provide a sketch of location on property and proximity to property lines.

INSPECTION:

(a) Pen – that has a locking device

YES ()

NO ()

(b) Independent Fence Containment System

YES ()

NO ()

(c) Other

COMMENTS:

CERTIFICATION

I,
certify that the information provided herein is accurate and request Council consider granting an exemption under Section 5 of By-law No. 26-2016.

Dated this day of, 20.....
.....
Applicant

INSPECTION CERTIFICATION

I,
have reviewed the Application for Exemption and have completed an inspection of the property and location where prohibited animal will be housed on

..... Based on the inspection, I:

- Recommend that Council approve Application as submitted.
- Recommend that Council approve Application with conditions as attached.
- Recommend that Council deny the application based on attached report.

Dated this day of, 20.....
.....
Inspector

COUNCIL DECISION

The application was considered by the Council of the Township of Adelaide Metcalfe at the meeting held

The Application for Exemption is:

- Approved by Council as submitted.
- Approved by Council with conditions as attached.
- Denied by Council.

A copy of the resolution of Council is attached.

Dated this day of, 20.....
.....
Clerk

Participating Municipality's Animal Control By-laws

THE CORPORATION OF THE MUNICIPALITY OF BROOKE-ALVINSTON

By-law Number 5 of 2017

Being a by-law to Licence Dogs and to prohibit the Running at Large of Dogs or Other Animals within the Municipality of Brooke-Alvinston:

WHEREAS Section 11(2) 6 of the Municipal Act authorizes a municipality to regulate matters related to health, safety and well being of the inhabitants of the municipality;

AND WHEREAS Section 103(1) of the Municipal Act 2001 confers the power upon a municipality, in exercising its powers to pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals it may provide for.

AND WHEREAS section 105 of the Municipal Act requires Council or a Committee of Council of the municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

AND WHEREAS the municipality is empowered under the Dog Owner's Liability Act and related regulations to regulate matters related to dogs;

AND WHEREAS the Provincial Offenses Act provides a penalty for persons who contravene any of the provisions of a municipal by-law;

NOW THEREFORE, the Council of the Corporation of the Municipality of the Brooke-Alvinston enacts as follows:

PART 1 – DEFINITIONS

For the purpose of this by-law, the following definitions apply:

Animal – shall mean any member of the animal kingdom, other than human, as defined in the Municipal Act;

Animal Control Officer – shall mean a person or association who has entered into a contract or agreement with the Municipality of Brooke-Alvinston to control dogs or other animals and any employees or agents of such an individual or company;

By-law Enforcement Officer – shall mean a person duly appointed by the Municipality of Brooke-Alvinston for the purpose of enforcing or carrying out the provisions of Municipal by-laws.

Cat – shall mean a domesticated feline animal, male or female, spayed or neutered or natural and kept by any person.

Certificate – shall mean a certificate, confirmation or other report, in writing of a veterinary surgeon evidencing that a particular dog therein identified has been spayed or neutered.

Clerk – means the Clerk of the Municipality of Brooke-Alvinston.

Control - shall mean that a dog is on a leash not exceeding three metres 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 Municipality of Brooke-Alvinston.

Dangerous Dog - shall mean a dog that in the absence of any mitigating factor has attacked, bitten or caused injury to a person or domestic animal and has demonstrated a propensity, tendency or disposition to do so;

Dog –shall mean a domesticated canine animal, male or female, three months of age and older;

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

Foster – means an individual(s) cares for a rescue dog for a temporary period of time

Guardian – means a person who possesses or harbours an animal and where the guardian is a minor means the parent, guardian or person having custody of the minor

Guide Dog – shall be defined as a service / guide dog who assists persons with a disability. Hearing, seeing dogs, police service dogs are exempt from the payment of all license fees.

Herding Dog – means a dog that has been trained and is actively being used in a bon fide farming operation for the purposes of controlling livestock on the farm

Kennel – means any part of a lot, building, structure or establishment where more than two dogs are kept;

Boarding Kennel-a facility which provides shelter and care for dogs, under contract, shall for the purposes of this by-law;

Breeding Kennel-a facility in which dogs are kept for breeding purposes and are registered with an association incorporated under the Animal Pedigree Act (Canada);

Personal Use Kennel-any property in which more than two dogs are kept indoors for show purposes or outside for working purposes (hunting) only.

Kennel License – shall mean a certificate issued by the municipality to the owner of a kennel of dogs being either a Boarding Kennel, Breeding Kennel or Personal Use Kennel; on payment of the Kennel License fee, the owner of such kennel shall be exempt from further license for that year.

Municipality – shall mean the Corporation of the Municipality of Brooke-Alvinston.

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

Off Leash Area – shall mean an area of land designated in this by-law for which signs are posted by the Municipality indicating that dogs are permitted to run at large.

Other Animal – means animals other than dogs including but not limited to cats.

Owner – means the primary caregiver of a dog or other animal; includes a person who possesses or keeps a dog or other animal; a person in charge of the animal.

Police Work Dog – means a dog trained for and engaged in law enforcement by any federal or provincial government agency

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.

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 owner, in a menacing fashion or apparent attitude of attack, including but not limited to behavior such as growling, or snarling or shows the disposition or tendency to be threatening or aggressive

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).

Pit Bull – shall be defined in the Dog Owner’s Liability Act

Prohibited / Restricted Dog – means any dog with a known propensity, tendency or disposition to attack without provocation from other domestic animals or persons.

Running at Large – an animal shall be deemed to be running at large when found in any place other than the premises of the owner of the animal and not under the control of any person

Redemption Period – means the period of time within which the owner of an animal that has been impounded has the right to redeem it and such period shall be three (3) days, exclusive of the day the animal was impounded, and exclusive of Saturday, Sunday or holidays.

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

Part 1 – Responsibilities of Dog Owners and the Public

- 1.1 No owner shall permit his / her dog to:
- i) To bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running
 - ii) To fight with any domestic animal or domestic bird; and
 - iii) To damage public or private property

Part 2 – Exemptions

- 2.1 This by-law shall not apply to either police service or guide dogs or other specialty trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial or municipal agency.

Part 3 – Number of Dogs

- 3.1 No owner shall keep in or upon any lands or premises within the Municipality of Brooke-Alvinston, irrespective of the number of owners, more than **two (2) dogs / household** unless in a licensed kennel. However, any young born on the premises may be kept there for a period not exceeding twelve (12) weeks after birth.
- 3.2 An individual(s) who foster a dog on a property in the municipality shall apply to the municipality to foster and sign a written agreement outlining the terms and conditions of fostering. (see Schedule D)

Part 4 – Kennels

4.1 General

- i) No person shall keep a kennel of dogs in the Municipality except under the authority of a currently valid license which must be renewed annually before the 1st of May of each year;
- ii) When considering an application for a kennel license, the Clerk will notify all neighbours within 120 m of the proposed location. After 30 days of the mailing, the kennel license will be considered. In considering the approval of a kennel license, the following considerations will be made:
 - a) The proposed site is an appropriate location for a kennel
 - b) The kennel will not adversely affect the neighbourhood
 - c) Comments received from neighbours

- d) The kennel shall not be operated in a manner which creates a nuisance to anyone occupying a property in the vicinity
 - e) Adequate and appropriate facilities will be provided to assume public safety
 - f) That kennel maintenance and operation conform to the Code of Practice for the Canadian Kennel Operations as produced by the Canadian Veterinary Medical Association
 - g) That the application conforms to the requirements of the municipal zoning by-law
- iii) The owner of a kennel for breeding and boarding dogs shall be responsible to ensure that:
- i) All dogs are adequately fenced or caged to prevent their running at large;
 - ii) All dogs are fed and watered daily and kept in a clean healthy condition free from vermin and disease;
 - iii) No dog is kept in a cage of inadequate size;
 - iv) All droppings, soiled bedding and the like from which odour might arise, shall be removed not less often than weekly during the period between November 1st of one year and March 31st of the following year and daily during the remainder of the year;
 - v) The kennel does not become a nuisance by reason of odour, noise from barking or otherwise;
- iv) All kennels must be inspected by the Animal Control Officer at the expense of the applicant, prior to the initial kennel license being issued;
- v) The Animal Control Officer has the authority to recommend that a kennel license not be issued;
- vi) The initial kennel license may not be issued by the License issuer unless approved by the municipal council;
- vii) Applications for renewals of a kennel license may or may not be subject to an inspection by the Animal Control Officer depending on individual circumstances and changes in the kennels operations: renewal inspections shall be at the discretion of the License issuer of the municipality and / or the Council and shall be conducted at the expense of the applicant;
- viii) The Council of the Municipality may refuse to issue or renew a license for a kennel of dogs;
- ix) The Animal Control Officer or any other person designated shall have the authority to inspect the kennels and then register the kennel owner;
- x) Schedule "C" attached hereto, is the prescribed application form for a kennel license and may be amended from time to time;

4.2 Boarding Kennel

Every person making application for a license to have a boarding kennel of dogs shall fully complete an application as set out on the prescribed form, and provide such other information as may be required by Council to properly consider the application, and pay the current dog tag and kennel license fee as established in the Municipal Fees for Services By-law.

4.3 Breeding Kennel

Every person making application for a license to have a breeding kennel of dogs shall complete fully an application as set out on the prescribed form, and provide such other information as may be required by Council to properly consider the application and pay the current dog tag and kennel license fee as established in the Municipal Fees for Services By-law.

4.4 Personal Use Kennel – show dogs, hunting dogs, racing dogs / working dogs

Every person making application for a license to have a personal use kennel of dogs shall complete fully an application as set out on the prescribed form, and provide proof that all dogs are pure-bred, used for dog shows, hunting purposes or for work (racing dogs) and provide such other information as may be required by Council to properly consider the application and pay the current dog tag and license fee as established in the Municipal Fees for Services By-law.

Part 5 – Dog Licenses

- 5.1 The license fee(s) to be paid to the Municipality of Brooke Alvinston shall be set out in the current municipal Fees for Services by-law.
- 5.2 A dog license fee for spayed or neutered dogs will be issued upon proof of a certificate by the owner that the dog in question has been spayed or neutered.
- 5.3 Every owner shall within ten days of becoming the owner 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 the Municipal Fees for Services by-law. Every owner of a dog shall obtain a license for each dog, before the 1st of May in every year. If the license is obtained after May 1st, a penalty will be incurred as outlined in the municipal fees for services by-law.
- 5.4 a) Upon payment of the license fee for a dog, the owner shall be provided 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 municipality showing the name and address of the owner and the serial number of the tag.
- c) The owner 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.
- 5.6 Complete written records of all dog registrations and dog licenses issued together with all dog tag particulars shall be maintained at the municipal office.
- 5.7 All dog license fee payments shall be made payable in cash, cheque or debit payable to the Municipality of Brooke-Alvinston.

Part 6 – DOGS OR OTHER ANIMALS FOUND RUNNING AT LARGE

- 6.1 No owner shall permit his or her dog or other animal to run at large or trespass in the Municipality at any time. Any animal found running at large or trespassing on private property may be seized and impounded.
- 6.2 The Animal Control Officer or Pound Keeper shall deliver every animal seized pursuant to this by-law to the Pound, and the Pound Keeper shall provide adequate quarters therein for every such dog or animal, and shall keep an accurate account of expenses incurred in furnishing the dog / animal with food, water and shelter and any other expenses connected with the care or the disposal of the dog /animal, and any amounts received from the sale of any such dog / animal.
- 6.3 An owner can redeem his or her animal after payment of the appropriate fines, pound fees and licensing if required. If after the expiration of the redemption period (3 days exclusive of weekends and statutory holidays), an animal has not been claimed, the pound keeper may find an alternative home, or if necessary, humanely euthanize and cremate the animal.

Part 7 – Off Leash Park

- 7.1 Dog Off Leash Areas are hereby established on those lands as outlined in Schedule “A” of this by-law

- 7.2 A dog owner may permit their dog to run at large in a dog-off leash park
- 7.3 Owners of dogs whose dogs are required to be muzzled, including restricted dogs and pitbulls, or whose dogs are deemed dangerous as defined in this by-law may not permit the dog that is required to be muzzled to run at large in the Dog Off Leash area.
- 7.4 No person shall remain in a dog off leash area between the hours of 11 p.m. and 6 a.m.
- 7.5 No person shall bring any more than two (2) dogs into the off leash area at any given time or permit any animal other than a dog to be at large in a dogs off leash area.

Part 8 – NOISE

- 8.1 No owner shall permit persistent barking, calling, whining or other noise making by his or her dog / animal that is clearly audible at a point of reception in the Municipality. Livestock guardian dogs are exempt from barking restrictions if actively engaged in guarding livestock against predators.

PART 9 – DOG EXCREMENT

- 9.1 No owner 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 owner shall immediately remove and dispose of any excrement left by his or her dog.
- 9.2 No owner of a dog or other animal shall allow animal excrement to accumulate in such proportions that it causes a nuisance visually or by causing an odour.

PART 10 – MUZZLING, LEASHING AND CONTAINMENT OF DOGS

- 10.1 No owner shall permit his or her dog to bite or attack without provocation, a person or domestic animal. If a dog has bitten a person or a domestic animal, the Animal Control Officer shall issue a notice to the Owner requiring that the dog be muzzled and leashed.

Where a notice to muzzle or leash is in effect, the dog shall be muzzled or leashed at all times unless, within the owner’s dwelling or in an enclosed pen of sufficient dimension and construction to provide human shelter for the dog.

The Animal Control Officer shall authorize the allowance of a dog to be unmuzzled or un-leashed at their discretion.

PART 11- KEEPING OF RESTRICTED OR DANGEROUS DOGS

- 11.1 Every owner of a dangerous dog shall:
 - a) License such dog with the Municipality as a dangerous dog in accordance with the requirements of this by-law
 - b) Ensure that such dog is neutered or spayed
 - c) Ensure that such dog has an up to date rabies shot
 - d) Display at each entrance to the property and building in which the dog is kept warning that there is a dangerous dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare
- 11.2 When a dangerous dog is off its owner’s property, the owner shall:
 - a) Ensure the dog is muzzled in a humane manner at all times;
 - b) Ensure the dog is on a leash not longer than one metre; and
 - c) Ensure the dog is under the control of a person over the age of eighteen
- 11.3 When a dangerous dog is on its owner’s property the owner shall:
 - a) Ensure the dog is securely confined in a locked area that meets the following standards:

- i) The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
 - ii) If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep.
 - iii) The pen shall also provide protection from the elements for the dog
 - iv) The pen shall not be within three metres of the property line or within three metres of a neighbouring dwelling unit
- 11.4 It shall be a condition of every licence for a dangerous dog that the owner of the dangerous dog provide and maintain a policy of liability insurance in the amount of at least one million dollars, covering the twelve month period during which licensing is sought for injuries caused by the owner's dangerous dog. The policy shall name the Municipality as a co-insured for the sole purpose of the Municipality being notified by the insurance company of any cancellation, termination or expiration of the policy
- 11.5 If the Municipality has, in its sole discretion, determined that a dog is a dangerous dog for the purpose of this by-law, the Municipality shall impound the said dog at the owner's expense for a maximum of 10 days or the municipality may order the owner of the said dog to impound the dog on the owner's property until such time that the owner of the said dog has complied with all of the requirements contained in this by-law for the keeping of a dangerous dog. Should the owner fail to comply with all of the requirements contained in this by-law for the keeping of a dangerous dog within the said 10-day period, the Municipality may humanely destroy the impounded dangerous dog.

PART 12 – PROHIBITED DOGS

- 12.1 Prohibited dogs are not allowed in the Municipality. Where the Animal Control Officer has 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.
- 12.2 All other requirements regarding Pit Bulls specifically shall be in accordance with the Dog Owner's Liability Act, 1990 (DOLA), as amended, including regulations pertaining to DOLA, and the Animals for Research Act, 1990, as amended.

PART 13 – COMPENSATION

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

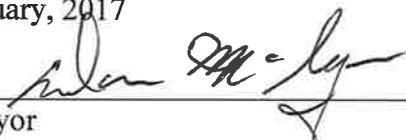
PART 14 – OFFENCES

- 14.1 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 "B" of this by-law.
- 14.2 This By-law may be enforced by the O.P.P., by a Provincial Offences Officer, by an Animal Control Officer, By-law Enforcement Officer or by a Pound Keeper.

PART 15 – REPEAL OF BY-LAWS

- 15.1 Any previous by-laws for the licensing of dogs, including By-law No. 38 of 2006 is hereby repealed.
- 15.2 This by-law shall come into force and take effect on the day of final passing thereof.

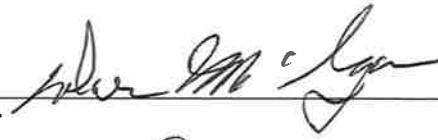
Read a first and second time this 26th day of January, 2017

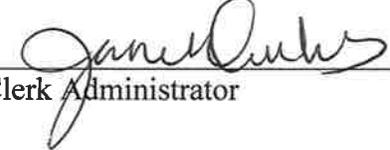


Mayor


Clerk Administrator

Read a third time and finally passed this 26th day of January, 2017



Mayor


Clerk Administrator

**Municipality of Brooke Alvinston
Municipal Dog Park
Located at: 3310 Walnut Street
Alvinston, Ontario**

Northeast Corner, behind Optimist Ball Diamond

Schedule B to By-law 5 of 2017

Part 1 – Provincial offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Offence	COLUMN 3 Set Fine First Offence	COLUMN 4 Subsequent Offence(s)
1	Keeping of more than two (2) dogs upon lands or premises	Part 3, s.3.1	\$55.00	\$110.00
2	Guardian fixes or uses a tag on a dog other than the dog for which it was raised	Part 6, s.6.4(d)	\$55.00	\$110.00
3	Guardian permits dog to run at large	Part 7, s.7.1	\$55.00	\$110.00
4	Guardian permits persistent barking or other noise	Part 9, s. 9.1	\$55.00	\$110.00
5	Guardian does not pick up feces	Part 10, s. 10.1-10.2	\$55.00	\$110.00
6	Guardian permits dog to bite or attack	Part 1, s. 1.1(i)	\$55.00	\$110.00



Kennel Licence Application
In accordance with By-law 5 of 2017

Year: _____ Renewal: _____ New: _____ Transfer of Ownership _____

Owner's Name: _____

Owner's Address: _____ Postal Code: _____

Home Telephone #: _____ Cell Phone #: _____

Type of Kennel: Boarding _____ Breeding _____ Personal _____

Zoning of Land Where Kennel is Situated: _____

Is Kennel Registered with Canadian Kennel Club: _____ Licence Number (if applicable): _____

Number of Dogs kept for purposes other than Breeding: Males _____ Females _____

Number of Dogs kept for Breeding purposes: Males _____ Females _____

Number of Dogs boarded during average year: Males _____ Females _____

Number of pens / runs in Kennel: Pens _____ Runs _____

I / we hereby acknowledge that I/we have been provided with a copy of and have read and understand the regulations as set out in the Municipality of Brooke-Alvinston By-law Number xx of 2017, and understand that the Municipality of Brooke-Alvinston will investigate any cruelty to animal charges and/or convictions before the issuance of a kennel licence. I /we also acknowledge that personal information collected as part of the application process for licenses is subject to release to the Animal Control Officer as and when requested by him / her.

Date: _____ Signature of Owner: _____

Site Plan of Kennel and Property Kennel is Situated on:

All personal information on this application is collected pursuant to Section 150 of the Municipal Act, 2001, c. 25 as amended, and will be used to assess eligibility for a kennel license and the information may be provided to the Animal Control Officer upon request. If you have any questions regarding the collection and use of this information, please contact the Clerk, Municipality of Brooke-Alvinston, 3236 River St., P.O. Box 28, Alvinston, ON N0N 1A0; 519-898-2173.



Agreement to Foster Dogs
In accordance with By-law 5 of 2017

This Agreement is made and entered into this ___ day of ___, 20___, by and between the Municipality of Brooke-Alvinston, hereinafter called the "Municipality" and the following individual(s), hereinafter called the "Foster."

NAME OF FOSTER FAMILY _____ (Foster)

WHEREAS Foster wishes to foster one or two dogs for _____ (name of shelter / rescue group).

NOW THEREFORE, the parties to the agreement agree as follows:

- Dog Control By-law # ___ of 2017 states "no person shall keep more than 2 dogs in any one dwelling unit or on any premises."
• Foster will abide by By-law __ of 2017 with the exception of keeping more than 2 dogs on the premises for a total of ___ dogs (__ foster and __ owned-shall not exceed 4 dogs.
• Municipality / Animal Control hereby grants permission to Foster to keep foster dog(s) as listed below at the premises located at _____ up to ___ day(s) of _____, 2017. (Permission to be granted is limited to no more than two months). Foster will require written permission from the Municipality / Animal Control should an extension be required for extenuating circumstances.
• Municipality will provide a complimentary dog tag for the foster dog(s) while in the care of Foster. Foster must return the tag after the expiry of the foster period.

If a complaint is received regarding one or more of the dogs owned or fostered by Foster there will be no alternative but to enforce the two dog limit in the by-law and foster status may be revoked.

Foster Care Provider Signature

Municipal Clerk Signature

Name of Foster Dog _____ Breed _____ age _____ Tag # _____

Name of Foster Dog _____ Breed _____ age _____ Tag # _____

Name of Foster _____

Address _____

Home Phone _____ Cell Phone _____

Email Address _____



Municipality of
Dutton Dunwich

By-Law No. 2020-40

BEING A BY-LAW TO PROVIDE REGULATION, RESTRICTION AND PROHIBITION OF DOGS, ANIMALS AND EXOTIC ANIMALS IN THE MUNICIPALITY OF DUTTON DUNWICH

Short form title: "Animal Control By-law"

WHEREAS paragraphs 1, 8, 9, 11 and 13 of Section 210 of the Municipal Act, R.S.O. 1990, c. M. 45, as amended from time to time, provide that all by-laws may be passed by councils of municipalities for the licensing, keeping and regulating of dogs and exotic animals;

NOW THEREFORE the Municipal Council of the Corporation of the Municipality of Dutton Dunwich enacts as follows:

Part 1 – Definitions

1.1. Definitions in this by-law:

- 1) "Animal" shall include any domestic animal and/or agricultural animal within the boundaries of the Municipality of Dutton Dunwich.
- 2) "Animal Control Officer" shall mean a person(s) appointed by the municipality, whose duties include the enforcement of this by-law.
- 3) "Council" shall mean the Council of the Municipality of Dutton Dunwich.
- 4) "Dangerous Dog" means any dog:
 - a) That has bitten or injured a human being or domestic animal;
or
 - b) That has been threatening or aggressive towards a human being or domestic animal.
- 5) "Dog" shall mean a male or female dog over the age of three (3) months.
- 6) "Dwelling Unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which occupants have access to all the habitable areas and facilities of the unit.
- 7) "Guard Dog" shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.
- 8) "Hunting" shall mean lying and waiting for, searching for, being on the trail of, pursuing, chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed, and does not include trapping.
- 9) "Kennel" shall mean a lot, building, structure or establishment in which four (4) or more dogs are housed, boarded or bred.
- 10) "License Agent" shall mean a person appointed by Council to issue dog licenses.

- 11) "License Issuer" shall mean the Licensing Officer for the Municipality of Dutton Dunwich.
- 12) "Municipality" shall mean the Municipality of Dutton Dunwich.
- 13) "Owner" includes a person who keeps, possesses or harbours a dog and where the owner is a minor the person responsible for the custody of the minor.
- 14) "Person" includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.
- 15) "Pet Shop" shall mean an establishment engaged in the retail sale of animals.
- 16) "Pet Shopkeeper" shall mean a person who has the charge, care or ownership of a pet shop.
- 17) "Pound" means premises, regulated under the Animals for Research Act, that are used for the confinement maintenance or disposal of animals that have to be impounded pursuant to this by-law.
- 18) "Pound Keeper" shall mean a person appointed by the Municipality of Dutton Dunwich to act in the capacity of Pound Keeper.
- 19) "Premises" includes the entire lot on which a building may or may not be situated.
- 20) "Restrained" (Dangerous Dog) means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and secure so as to prevent a dog from coming in contact with or making a real and substantial threat of attack on a person other than the owner of the dog, or invitee of the owner, and includes keeping such dog securely on a leash of not more than 2 meters in length when outside of such building, house or enclosed pen.
- 21) "Running at Large" shall mean to be found in any place other than the premises of the owner of the dog and or animal not either under the physical control of any person, or on a leash or in a properly fenced in area.
- 22) "Exotic Animal" (Reptile or Wild Animal) shall mean a wild or non domesticated animal whether or not kept in captivity and includes but is not limited to: bear, wolf, coyote, lion, bobcat, cougar, tiger, jaguar, raccoon, crocodile, alligator, venomous snake, constricting snake, venomous lizard or venomous spider. The term "Exotic Animal" does not include cats, dogs, deer, elk, rabbits, llama, bison, rodents, horses, cattle, mules, donkeys, ponies, sheep, goats, swine, chicken, geese, turkey, duck, emu, ostrich, homing pigeon, powder pigeon, tumbler pigeon, turtle, chinchilla, non-venomous snake, non-constricting snake, non-venomous lizard, non-venomous spider, cardinal, pheasants, finch, budgie, bulbul, canary, tanagers, amazons, cockatoos, conjures, macaws, parakeets, cockatiels, lorikeet, touraco, toucans, oriels, mynahs, magpies, barbets, ascaris, pied harebells, and cock-of-the-rocks. Where an exotic animal has been bred with a non-exotic animal, the resulting offspring shall be deemed to be an exotic animal for the purposes of this definition.
- 23) "Municipal Law Enforcement Officer" means any person employed as By-law Enforcement Officer, OPP or by the Humane Society of Ontario.
- 24) "Service Animal" means the animal is easily identifiable as relating to the persons disability (i.e. guide dog or other animal wearing a vest or harness). Persons may be asked to provide documentation from a regulated health professional confirming the animal is required due to a disability. Service animals are not pets. Types of service animals include but are not limited to; hearing, guide,

diabetic alert, seizure alert/response, mobility assistance, psychiatric, allergy detection, and autism support.

- 25) "Registered Health Professional" means one of the following: audiologist or speech-language pathologist, chiropractor, nurse, occupational therapist, optometrist, physician or surgeon, physiotherapist, psychologist, psychotherapist or mental health therapist.

Part 2 – Exemptions

2.1. Animal Hospital-Clinic-Kennel-Registered

This by-law shall not apply to an animal hospital, clinic or kennel, lawfully operated for the exclusive purpose of treating sick or injured animals and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.

2.2. Pound

This by-law shall not apply to a pound.

2.3. Pet Shop

Council to determine whether a pet shop exemption is appropriate.

2.4. Zoos-Fair-Exhibitions-Circuses-Authorized

This by-law shall not apply to dogs maintained in a zoo, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority.

2.5. Service Dogs

This by-law shall not apply to dogs maintained in a zoo, fair exhibition, dog show or circus operated or licensed by a municipal or other governmental authority.

2.6. Research Facility – registered

This by-law shall not apply to dogs maintained at a research facility registered under the Animals for Research Act.

Part 3 – Keeping of Dogs

3.1. Maximum – 3 Per Premises

No person shall keep more than 3 dogs in any one dwelling unit or on any premises.

3.2. Kennels – Registered

No kennels are permitted within the urban areas of Dutton Dunwich – Dutton, Wallacetown and Iona. (see attached Schedule B, C, D & E – Maps for defined areas)

3.3. Guard Dogs – Industrial-Commercial Premises

Notwithstanding section 3.1 of this by-law, more than three (3) guard dogs may be licensed for lawfully used industrial or commercial premises.

3.4. Excrement-Removal-Disposal-Sanitary-Immediate

Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the Municipality.

3.5. Trespassing Without Consent by Dog Prohibited

No person shall permit a dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.

3.6. Running at Large Prohibited

No owner of a dog shall permit the dog and/or animal to run at large or to fail to prohibit the dog and/or animal from running at large.

3.7. Keeping of Dangerous Dogs

- 1) When a dangerous dog is off its owner's property the owner shall:
 - a) Ensure the dog is muzzled in a humane manner at all times;

- b) Ensure the dog is on a leash not longer than one (1) meter; and
 - c) Ensure the dog is under the control of a person over the age of eighteen.
- 2) When a dangerous dog is on its owner's property the owner shall:
- a) Ensure the dog is securely confined indoors or in a locked pen that meets the following standards:
 - i. The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
 - ii. The pen must have minimum dimensions of two (2) meters and must have secure sides and secure top.
 - iii. If the pen has no bottom secured to the sides, the side must be embedded into the ground no less than thirty (30) centimeters deep.
 - iv. The pen shall also provide protection from the elements for the dog.
 - v. The pen shall not be within three (3) meters of the property line or within three (3) meters of a neighbouring dwelling unit.

3.8. Dangerous Dogs

- 1) Any dog that has bitten a person or domestic animal must be kept in quarantine for 14 days at the Veterinarian, Humane Society or the Animal Control Shelter in Glencoe, all at the owner's expense.
- 2) The Municipality may humanely destroy the impounded dangerous dog if it is determined by an official/veterinarian to be in the interest of public safety and health.
- 3) The dog in question that was involved in the biting incident, and it is determined by an official investigation to have bitten, will not be returned to the municipality.

3.9. Owner's Responsibilities

- 1) No owner of a dog shall fail to prevent her or her dog from:
 - a) Threatening, biting or attacking any person;
 - b) Threatening, biting or attacking any domestic animal; or
 - c) Damaging public or private property.
- 2) No owner of a dog shall use a chain as a means of confinement.

Part 4 – Licensing

4.1. Licensing Agent – Appointed-Authorized

The Council shall appoint, if required, a licensing agent or agents for the Municipality and every such license shall be executed on behalf of the Municipality.

4.2. Registration Information Requirements

The license agent shall keep a record showing the following dog license registration information:

- 1) Name and address of dog owner;
- 2) Serial number of tag;
- 3) Date of registration;
- 4) Description of dog;
- 5) Indicate whether dog is spayed or neutered;
- 6) Amount of fee paid upon registration.

4.3. Application License Description Fee

Every license application shall be accompanied by the following:

- 1) Description of dog including the colour, breed and name;
- 2) Applicable fee.

4.4. License Annually

Every owner shall cause his/her dog to be licensed annually and every owner shall re-new the license annually.

4.5. Expiry-Annual-December 31

Every license issued by the license agent shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.

4.6. 1) Tag serial number issued upon payment of fee

Upon Payment of the applicable fee(s), the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued.

2) Tag affixed securely to dog at all times

When the dog is not on the owner’s premises, the tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.

3) Tag replacement where lost

Where a tag has been lost, an application shall be made to the license agent for a replacement tag.

4) Tag replacement proof of payment plus fee

The application shall be accompanied by proof that the current year’s license fee has been paid and the applicable replacement tag fee.

5) Tag removal

No person shall, within the Municipality, unlawfully remove a dog tag from a licensed dog.

6) Ownership change in failure to notify

Every owner shall notify the license agent upon the change of ownership of a licensed dog.

Part 5 – Kennels

5.1. No person shall keep a dog kennel within the Municipality unless that use is allowed in the appropriate section of the Municipality’s zoning by-law.

Part 6 – Reptile and Wild Animals (Exotic) – Keeping

6.1. No person shall keep any venomous snake or venomous reptile, wild animal or exotic pet outline below within the limits of the Municipality: (not limited to, but including the following)

- | | |
|--------------------|-----------------|
| Bear | Alligator |
| Lion | Venomous lizard |
| Tiger | Coyote |
| Crocodile | Cougar |
| Constricting snake | Raccoon |
| Wolf | Venomous snake |
| Bobcat | Venomous spider |
| Jaguar | |

6.2. When an exotic animal is captured or taken into custody, the Municipality will take any and all action required pursuant to appropriate applicable or governing legislation and/or regulations.

Part 7 – Fees

7.1. Fees

The license fees to be paid to the Municipality shall be as set out in the Municipal Fees By-law.

7.2. Service Animals – Police Service Dogs Exempted

Service animals and police service dogs are exempt from the payment of all license fees applicable pursuant to this by-law.

7.3. Pound Fees – Payment Proof of Ownership Required

Where a dog is claimed from the Pound keeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog license, and pay the Pound keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

Part 8 – Impounding

8.1. Seizure – Impounding

The Pound keeper shall impound any dog seized by him or delivered to him by a police officer, municipal enforcement officer or Animal Control Officer.

8.2. Claim – within 5 days – release

The owner or keeper of a dog impounded for being at large shall be entitled to redeem such dog within 5 days of impoundment, upon paying the Pound keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

8.3. Owner to Claim Dog Before Disposal

The owner of a dog that has been impounded may, upon application to the Pound keeper, claim the dog before the Pound keeper is entitled to dispose of the dog according to the provisions of Section 8.4 of this by-law.

8.4. Disposal – Dog Not Claimed – Pound keeper Discretion

Where a dog is impounded and is not claimed by the owner thereof within the redemption period specified under this by-law, the Pound keeper may retain the dog for such further time as he/she may consider proper and during that time the Pound keeper may:

- 1) Sell the dog for such price as he/she may consider proper;
- 2) Euthanize the dog;
- 3) Dispose of the dog in accordance with the Animals for Research Act.

8.5. Euthanasia – For Humane/Safety Reasons

Where an animal that is captured or taken into custody is injured and in the opinion of the Pound keeper should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer, or other trained person appointed by the Pound keeper, may euthanize the dog in a humane manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.

8.6. Euthanasia – Dangerous Dog Running at Large

In the opinion of an Animal Control Officer, where an animal cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

8.7. Veterinary Services – Required Payable by Owner

Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Pound keeper, the Owner shall pay to the Pound keeper all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this by-law, whether the dog is alive, dies or is euthanized.

8.8. Compensation – to Dog Owner Prohibited

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanasia or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:

- 1) Recovered by any owner or other person; or
- 2) Paid by the Municipality.

Part 9 – Enforcement

9.1. Penalty

Any person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, as amended from time to time, and all such penalties and costs may be recovered under the Provincial Offences Act, as per Schedule "A" attached hereto this By-law.

9.2. Investigation

The Animal Control Officer, Municipal Enforcement Officer and or Member of the Ontario Provincial police may enter onto private property to determine a violation of this by-law.

Part 10 – Transition

- 10.1.** Every license issued pursuant to By-law #2020-40 shall be deemed to be a license issued under this by-law and every such license shall continue to be valid until its normal date of expiry.
- 10.2.** Every act taken pursuant to the predecessor to this by-law shall, as necessary, be deemed to have been taken pursuant to this by-law and every such act may be carried to its conclusion pursuant to the authority granted by this by-law.
- 10.3.** If an act has been validly commenced pursuant to the predecessor to this by-law and authority for such act does not exist pursuant to this by-law then such act may be continued to its conclusion and the portions of the predecessor to this by-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

Part 11 – Repeal-Enactment

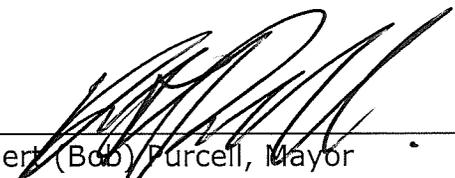
- 11.1.** Where the provision of any other by-law, resolution or action of Council are inconsistent with provisions of this by-law, the provisions of this by-law shall prevail.

Part 12 – Effective Date

- 12.1.** This By-law shall come into force and effect upon approval of the set fine schedule (Schedule "A") by the Office of the Regional Senior Justice Ontario Court of Justice West Region.

READ a first and second time this 10th day of June, 2020.

READ a third time and finally passed this 10th day of June, 2020.



Robert (Bob) Purcell, Mayor



Heather Bouw, Clerk

Schedule "A"
Municipality of Dutton Dunwich
By-law #2020-40

Set Fine Schedule

Part 1 Provincial Offences Act

Being a By-law to Provide Regulation, Restriction and Prohibition of Dogs and Animals in the Municipality of Dutton Dunwich

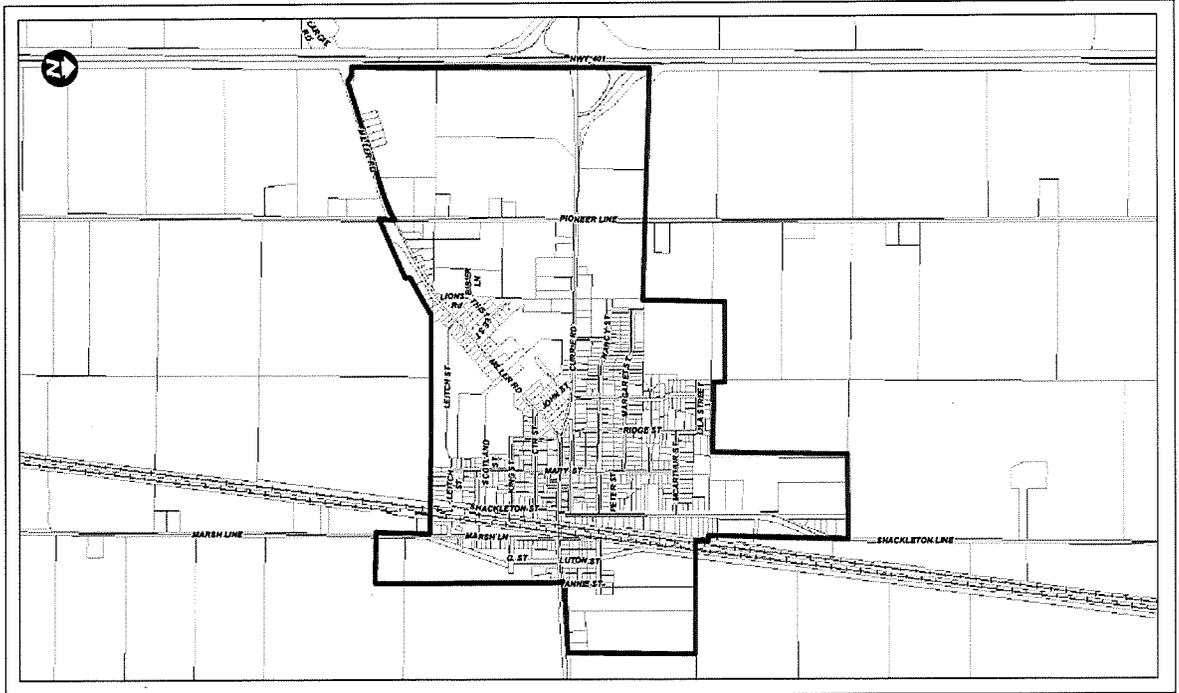
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Having more than three dogs per residence	Section 3.1	\$250.00
2	Failure to remove dog excrement from municipal/private property	Section 3.4	\$150.00
3	Permitting a dog and or animal to run at large	Section 3.6	\$250.00
4	Failure to ensure a dangerous dog is muzzled in a humane manner at all times	Section 3.7 1) a)	\$500.00
5	Failure to ensure dog is on a leash not longer than one (1) meter	Section 3.7 1) b)	\$250.00
6	Failure to ensure dog is under the control of a person over the age or eighteen	Section 3.7 1) c)	\$250.00
7	Failure to ensure the dog when on its owner's property is confined indoors or in a locked pen	Section 3.7 2) a)	\$500.00
8	Failure to prevent or allow a dog to bite or attack a person	Section 3.9 1) a)	\$500.00
9	Failure to prevent or allow a dog to bite or attack and animal	Section 3.9 1) b)	\$500.00
10	Failure to renew dog license	Section 4.4	\$250.00
11	Failure to register a dog for a license	Section 4.4	\$350.00
12	Keep a Kennel in the Urban areas of Dutton Dunwich	Section 5.1	\$500.00
13	Keep reptile and/or Wild Animal	Section 6.1	\$500.00

Penalty provision for the offences indicated above as s. 9.1 of By-law #2020-40; a certified copy of which has been filed.

Schedule "B"
Municipality of Dutton Dunwich
By-law #2020-40

Urban Area Within the Municipality of Dutton Dunwich

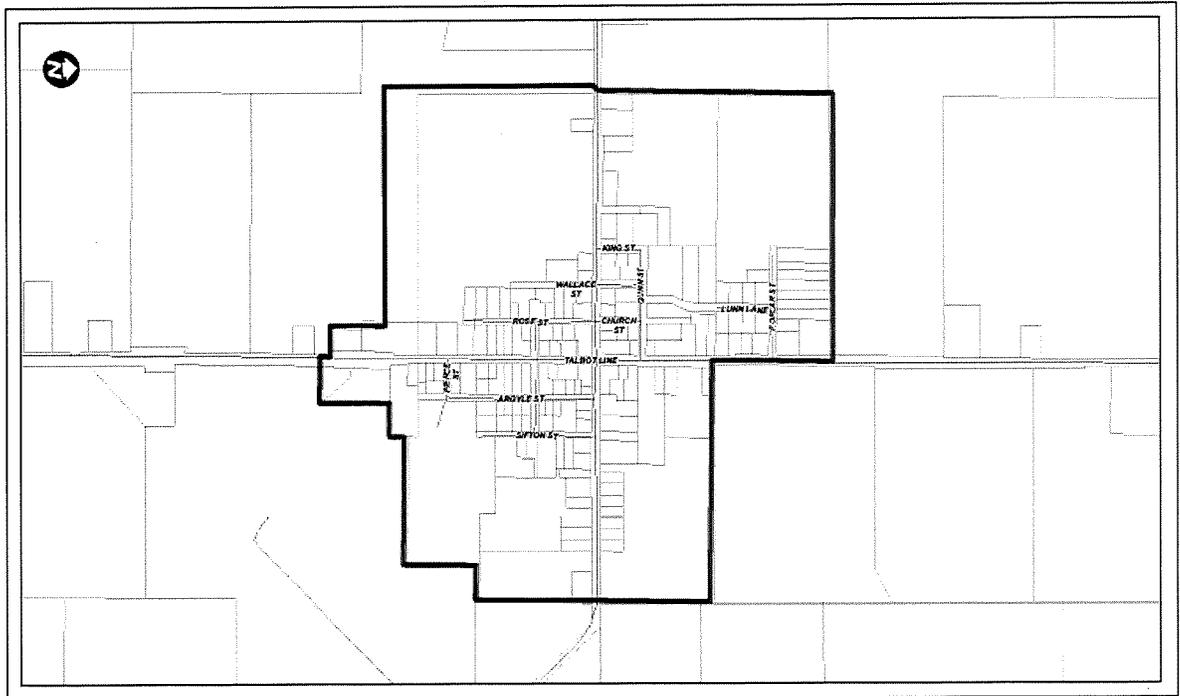
DUTTON



Schedule "C"
Municipality of Dutton Dunwich
By-law #2020-40

Urban Area Within the Municipality of Dutton Dunwich

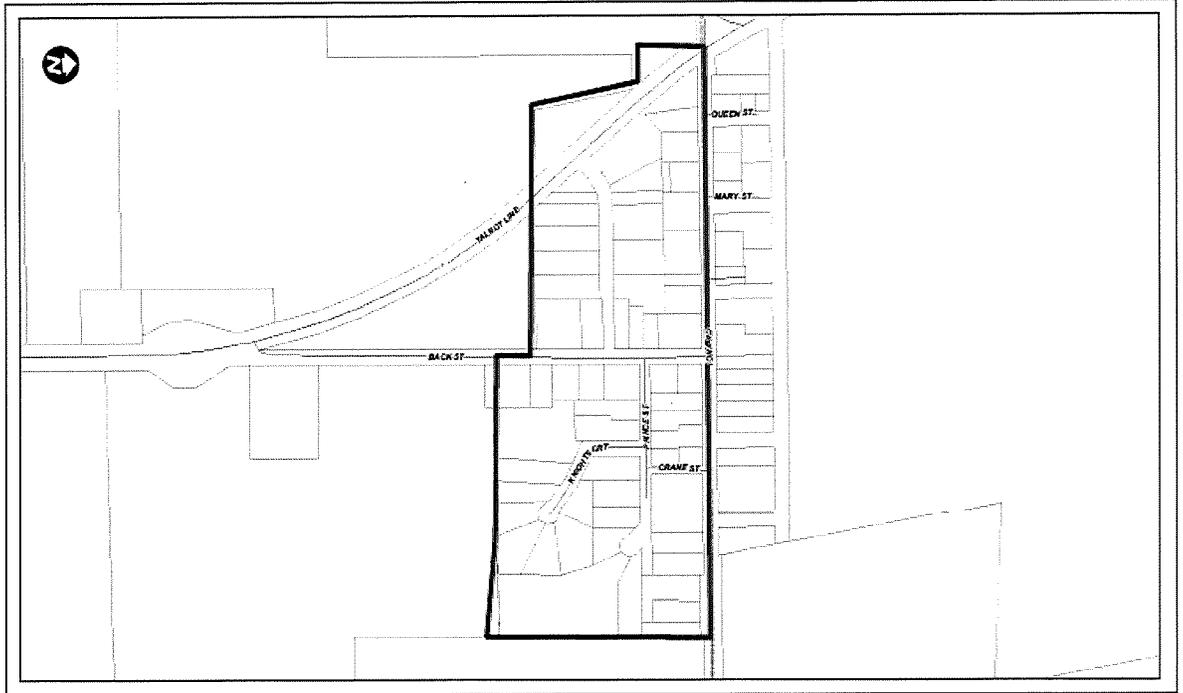
WALLACETOWN



Schedule "D"
Municipality of Dutton Dunwich
By-law #2020-40

Urban Area Within the Municipality of Dutton Dunwich

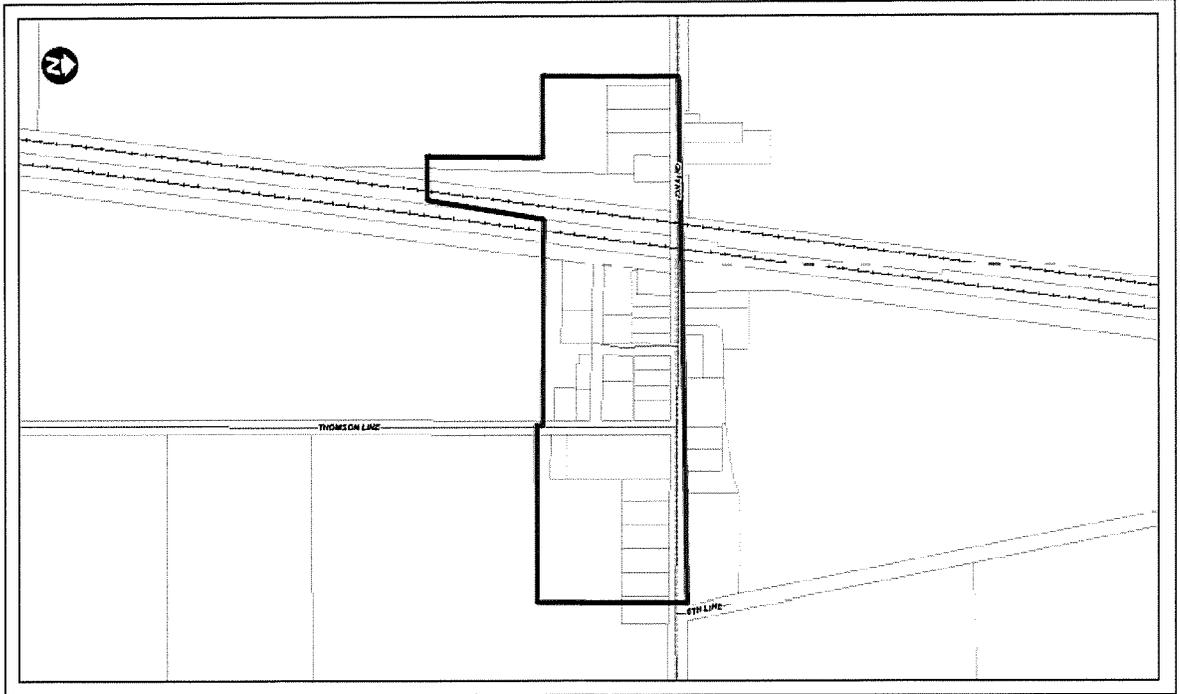
IONA



Schedule "D"
Municipality of Dutton Dunwich
By-law #2020-40

Urban Area Within the Municipality of Dutton Dunwich

IONA STATION



AMENDED

MUNICIPALITY OF MIDDLESEX CENTRE

BY-LAW NUMBER 2012-030

**BEING A BY-LAW TO PROVIDE FOR THE LICENCING, CONTROL
AND REGULATION OF ANIMALS WITHIN
THE MUNICIPALITY OF MIDDLESEX CENTRE**

WHEREAS Section 11(3) of the *Municipal Act*, S.O. 2001, c. 25 provides for the authority for lower tier municipalities to pass by-laws to regarding animals;

WHEREAS Section 103 and 105 of the *Municipal Act*, S.O. 2001, c. 25 outline specific power of municipalities regarding the impounding of animals and the muzzling of dogs;

WHEREAS Section 12 of the *Dog Owners' Liability Act*, R.S.O. 1990, c. D. 16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

AND WHEREAS the Municipality of Middlesex Centre deems it desirable to pass a by-law for the licensing, registration and regulation of dogs within the Municipality of Middlesex Centre;

NOW THEREFORE the Council of the Municipality of Middlesex Centre enacts as follows:

1. DEFINITIONS:

For the purpose of this by-law:

- a) "Animal Control Officer" means the person or agency so designated by the Council of the Municipality, and any employees or agents of such person or agency, to carry out the provisions of this by-law.
- b) "Commercial Dog Kennel" means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs not belonging to the owner of the property in return for payment of a fee are kept for breeding or boarding.
- c) "Dog" means any animal of the canine species irrespective of sex or neutering/spaying, including any wolf or wolf cross breed, harbored or kept by any person.
- d) "Dog Kennel" means any building, pen or other structure, but not a building used for human habitation, in which purebred dogs are kept as pets for show and/or breeding.
- e) "Dwelling Unit" means one or more habitable rooms designed for use by or occupied by not more than one (1) family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, a private entrance from outside the building or from a common hallway or stairway inside the building.
- f) "Impounded" shall mean seized, delivered, received or taken into the pound or any authorized vehicle operated by an officer pursuant to the provisions of this by-law.
- g) "Leash" means a chain, rope or other restraining device of not more than 3.5 meters.
- h) "Municipality" means the Municipality of Middlesex Centre.
- i) "Muzzled" means that the mouth of a dog is fastened or covered with a humane fastening or covering device of adequate strength to prevent the dog from biting.
- j) "Not Under Physical Control of Any Person" means when a dog is not on a lead/leash held by a person.
- k) "Officer" means:
 - (i) any police officer
 - (ii) any Animal Control Officer of the Municipality
 - (iii) any By-Law Enforcement Officer of the Municipality
- l) "Owner" means a person or persons who possesses harbours or has custody of a dog and where the owner is a minor, the person responsible for the custody of the minor. "Owns" and "owned" have a corresponding meaning.
- m) "Pound" means those premises designated by the Municipality for the detention, maintenance or disposal of dogs that have been impounded by an officer and shall include any building or buildings and enclosures maintained on behalf of the Municipality by any person or organization as is duly authorized to do so for

the purposes of carrying out the provisions of this by-law and such building or buildings and enclosures shall conform to the Ontario regulations under The Animals for Research Act, R.S.O. 1990, Chapter A.22.

- n) "Poundkeeper" shall mean the person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing and carrying out the provisions of this by-law.
- o) "Purebred" means registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
- p) "Running at Large" means when a dog is found in a place other than the premises of the owner of the dog and not under physical control of any person.
- q) "Vicious Dog" means any dog with a known propensity, tendency or disposition to attack without provocation, humans, domestic animals, or other animal. Vicious and/or dangerous shall have a corresponding meaning.

2. ANIMAL CONTROL OFFICER

- a) Council may appoint an Animal Control Officer whose duty it shall be to:
 - i) issue fines in the manner set forth in this by-law attached as Schedule "A";
 - ii) receive accurate records from the Municipality of all licenses and dog tags issued pursuant to this by-law;
 - iii) provide monthly statements outlining the activities such as complaints and fines issued; and
 - iv) seize and impound animals and/or pets found to be in contravention to this by-law.

3. REGISTRATION REQUIREMENTS

- a) Every owner of a dog within the municipality shall register each dog owned by him/her and shall pay an animal registration fee in the amount as set out in accordance with the current Fee By-law.
- b) The municipality will issue a permanent dog tag beginning in 2009; in subsequent years, the owner will be required to pay the registration fee. The permanent tag will be issued for the life of the dog or until such time that the dog is no longer in possession of the owner to which the tag was issued. The permanent tag is not transferable to another animal or another owner.
- c) A person who acquires a dog in any year shall obtain a licence and tag within fourteen (14) days after acquisition of such dog in accordance with the current Fee By-law. Tags issued for new dogs after June 30th shall be prorated in accordance with the current Fee By-law.
- d) The owner of any dog(s) not registered by March 31st of the each year will be required to pay a penalty as set forth in the current Fee By-law.
- e) A dog registration shall expire on the 31st day of December of every year.
- f) Every dog shall be inoculated with an anti-rabies vaccine.
- g) The registration and permanent tag may be obtained at the Municipality of Middlesex Centre Administration Office.
- h) A licence or dog tag may be issued at no charge for canine vision dogs, hearing dogs or dogs trained to provide assistance to the physically handicapped upon proof of certificate provided by organizations including but not limited to the CNIB or Hearing Dogs of Canada. The annual registration fee for this dog will also be waived.
- i) There shall be no refund or rebate to any owner for any portion of a dog licence when such licence has been issued in accordance with the provisions of this by-law.
- j) No person shall own, possess or harbour a dog within the municipality or allow a dog to be owned, possessed or harbored on the premises of that person unless a registration fee for the current year, for the dog, as required by this by-law, has been paid and every owner of a dog shall keep the dog licence securely fixed on the dog at all times when the dog is not on the premises of the owner.
- k) Where a dog tag issued pursuant to the provisions of this by-law has been lost, or destroyed, the owner may be issued a new dog tag upon payment of the replacement fee as set out in the Fee By-law.

- l) Every dog owner who takes up residence within the municipality and where a current dog tag has been issued by another municipality shall be required to obtain a new dog tag of the Municipality and pay only a transfer fee as set out in the Fee By-law.
- m) The Municipality may direct an official to licence each dog door to door. The official shall be authorized to require the owner of any dog(s) to pay the prescribed licence fee and upon payment issue a receipt to the owner and a tag for each dog owned.

4. RUNNING AT LARGE

- a) No person, being the owner or keeper of any dog within the municipality, shall permit any such dog to run at large.
- b) Any officer shall be and is hereby authorized to seize and impound any dog found running at large within the municipality, contrary to the provisions of this by-law.
- c) Where a dog seized and/or impounded under this by-law is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, an officer or veterinarian may euthanize the dog in a humane manner.
- d) Any person may capture any dog running at large on his property and contact the Animal Control officer or other duly appointed officer, who may impound the said dog.
- e) The Animal Control Officer or other duly appointed officer, may enter on any public property or private property without the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this by-law.

5. IMPOUNDING

- a) When a dog is seized by an officer for running at large, it may be transported directly to the pound where it shall be impounded for a minimum of fifteen (15) days (excluding the day of seizure and any holidays) unless claimed by the owner during this period. Any dog that is not claimed within the impound period may be disposed of subject to the requirements of The Animals for Research Act R.S.O. 1990, Chapter A.22.
- b) The owner of any dog impounded pursuant to paragraph 4 (b) may claim the dog from the pound upon payment to the Poundkeeper of any fee that may apply.
- c) Any person claiming an unregistered dog shall first pay to the Poundkeeper the required registration fee for the current year and any other charges that may apply in accordance with the provisions of the current Fee By-law. The Poundkeeper will remit the registration fee to the Municipality.
- d) If a dog is injured and the services of a veterinarian have been secured, the owner shall not be entitled to redeem the dog unless the charges for such veterinarian services are paid by the owner to the Poundkeeper.

6. KENNELS

- a) Every person who owns or operates a "Commercial Dog Kennel" or "Dog Kennel" as defined in this by-law shall pay an annual kennel licence fee in the amount as prescribed in the current Fee By-law. The kennel licence entitles the owner to a permanent dog tag for each purebred dog he/she keeps as a pet. It shall be the responsibility of those individuals who purchase dogs from a kennel to obtain the licence as per Clause 3(a) of this by-law.
- b) No person or persons shall establish a "dog kennel" or "commercial dog kennel" operation within the municipality unless the facility is situated within a zone where its use is permitted in accordance with the provisions of the Municipality's zoning by-law.
- c) Every dog kennel or commercial dog kennel established for the purpose of boarding and/or breeding dogs will be subject to inspection by an officer on a bi-annual basis and approval of every such licence shall be conditional upon meeting all legal requirements for the humane treatment of dogs in a kennel operation. On year where an inspection is not required, the "Dog Kennel Declaration" attached to this By-law as Schedule "C" shall be completed as required.

- d) Every person who applies for a dog kennel or a commercial dog kennel licence will be required to complete a "Dog Kennel Application" form attached to this By-Law as Schedule "B."
- e) Every person who applies for a dog kennel or a commercial dog kennel licence shall comply with the following requirements. No kennel licence shall be issued unless the premises comply with all provisions of this by-law.
 - i) the area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
 - ii) every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
 - iii) the area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
 - iv) the area housing the dogs shall have a floor drain;
 - v) the area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four hour period;
 - vi) the area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
 - vii) the area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
 - viii) where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
- f) Every person who holds a kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:
 - i) at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
 - ii) every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
 - iii) every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
 - iv) every dog shall be supplied with adequate amounts of potable water.

7. KEEPING OF DOGS

- a) Every person who owns a dog within the municipality shall provide the dog with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
- b) If a dog is customarily kept out of doors, the person who owns such a dog shall, at all times, provide for its use a structurally sound, weather-proof enclosure with off the ground flooring.
- c) Every person who owns an unspayed female dog shall during each period the dog is in heat, keep it confined so that it will not attract other dogs.
- d) No person within the municipality shall keep a dog tethered on a chain, rope or similar restraining device of less than 3.5 meters in length.
- e) Every person who owns a dog shall ensure that dogs secured by tie-out, chain or tether shall not extend beyond any property line at the length of the tie-out, chain or tether.

8. VICIOUS DOGS

- a) The owner of any dog that has been determined to be vicious by an officer in accordance with the definition as set out in this by-law may, by written order of an officer, be required to do any or all of the following and they shall comply with any such order:
 - i) not allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5 meters in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent the dog from biting another animal or human and to be under the care and control of a person 16 years of age or older;

- ii) when the dog is on the owner's premises it may be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet, capable of preventing the entry of children or other animals and adequately constructed to prevent the dog from escaping;
- iii) conspicuously display a sign on his/her premises warning that there is a vicious dog on the property;
- iv) confine the said dog in a manner that will allow persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by the said dog; and
- v) notify the poundkeeper immediately if a vicious dog is loose, unconfined, has attacked another animal or human or has died or has been given away.

9. PIT BULL RESTRICTIONS

A Pit Bull shall be deemed in all cases to be a vicious dog to which the provisions of Section 8 apply with necessary modifications. If any provision of the *Dog Owner's Liability Act*, R.S.O. 1990, Chapter D. 16 or the Regulations passes pursuant thereto impose a different standard or restriction from those imposed by this By-Law, the more restrictive provisions shall apply.

10. ANIMAL WASTE

Any person who owns or controls a dog shall remove forthwith any excrement left by such dog on any property in the municipality.

11. EXOTIC PETS

a) No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time. Examples of animals of a particular prohibited group are given in parentheses. These are examples only and shall not be construed as limiting the generality of the group.

- i) All canids, except the dog as defined in this by-law
- ii) All felids, except the domestic cat
- iii) All non-human primates (such as gorillas and monkeys)
- iv) All viverrine (such as mongooses, civets and genets)
- v) All marsupials (such as kangaroos and opossums)
- vi) All mustelids (such as skunks, weasel, otters, badgers)
- vii) All ursids (such as bears)
- viii) All artiodactyls (such as hippopotamuses and pronghorns)
- ix) All procyonids (such as raccoons, coatis and cacomistlies)
- x) All hyaenids (such as hyenas)
- xi) All elephantids (such as elephants)
- xii) All pinnipeds (such as seals, fur seals and walruses)
- xiii) All snakes of the families pythonidae and boidae
- xiv) All venomous reptiles and amphibians
- xv) All raptors (such as eagles, hawks, owls and falcons)
- xvi) All edentates (such as anteaters, sloths and armadillos)
- xvii) All chiroptera (such as bats)
- xviii) All crocodilians (such as alligators, crocodiles and cayman)
- xix) All venomous arachnids (such as spiders, scorpions and tarantulas)
- xx) All cetaceans (such as dolphins, whales and sharks)
- xxi) All perissodactyls (such as tapirs and rhinoceroses)

b) Notwithstanding Section 11 (a), on lands zoned for agricultural purposes where livestock facilities are a permitted use, no person shall keep or cause to be kept any animals listed in Section 11 (a) except those permitted in the zoning by-law.

12. INSPECTION BY OFFICER

Every owner shall allow any officer to carry out an inspection of premises, at any reasonable time, where pet(s) or animal(s) of the owner is kept or to make inquiries deemed necessary for the purposes of insuring compliance with the provisions of this by-law.

13. LIMITATIONS

No person or persons shall keep more than three (3) dogs in or about any dwelling unit in the municipality, except that any person who, on the first day of January 1998, was

keeping more than three (3) dogs that had been previously licensed by The Corporation of the Township of Delaware, Township of Lobo, or Township of London, may keep those dogs until they have died or otherwise disposed of.

14. PENALTIES

Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act or as set out in Schedule A "Set Fines" to this By-law.

15. SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder of the by-law and if a court of competent jurisdiction shall declare any provision of this by-law invalid, such declaration shall not affect the validity of the remainder thereof.

16. BY-LAWS REPEALED

By-law Number 2009-005 of the Municipality of Middlesex Centre, and any other by-law and provision contrary to this by-law are hereby repealed.

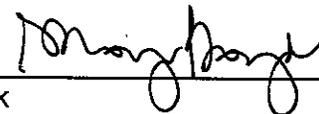
17. FORCE AND EFFECT OF BY-LAW

This by-law shall come into force and take effect on the third and final reading thereof.

2012. READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED on this 21st day of March,



Mayor



Clerk

MUNICIPALITY OF MIDDLESEX CENTRE
BY-LAW NO. 2012-030 – ANIMAL CONTROL BY-LAW

SCHEDULE "A"

PART I PROVINCIAL OFFENCES ACT
SET FINE

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE (d)	COLUMN 3 SET FINE
1.	Fail to prohibit dog from running at large	Section 4 (a)	\$105.00
2.	Fail to register dog	Section 3 (a)	\$55.00
3.	Fail to keep dog licence fixed on dog	Section 3 (j)	\$55.00
4.	Fail to keep vicious dog leashed	Section 8 (a) (i)	\$305.00
5.	Fail to keep vicious dog muzzled	Section 8 (a) (i)	\$305.00
6.	Fail to keep vicious dog confined	Section 8 (a) (ii)	\$305.00
7.	Fail to display vicious dog sign	Section 8 (a) (iii)	\$305.00
8.	Fail to allow officer to inspect	Section 12	\$105.00
9.	Fail to remove dog excrement	Section 10	\$105.00
10.	Fail to pay annual kennel fee	Section 6 (a)	\$105.00
11.	Keeping more than three dogs	Section 13	\$105.00
12.	Fail to provide dog with basic necessities	Section 7 (a)	\$305.00
13.	Tether dog on restraining device less than 3.5 meters	Section 7 (d)	\$105.00
14.	Fail to provide dog(s) with adequate shelter	Section 7 (b)	\$305.00
15.	Fail to confine dog in heat adequately	Section 7 (c)	\$105.00
16.	Possess an exotic pet	Section 11(a)	\$305.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 14 OF BY-LAW NUMBER 2012-030, A CERTIFIED COPY OF WHICH HAS BEEN FILED.



Dog Kennel Application
 Municipality of Middlesex Centre
 10227 Ilderton Road
 RR 2 Ilderton ON N0M 2A0

Name of Owner: _____
 Address: _____
 Postal Code: _____ Telephone Number: _____
 Email Address: _____

Kennel Information/Requirements

- The facility is situated within a zone where its use is permitted in accordance with the provisions of the Municipality's zoning by-law.
- No kennel licence shall be issued unless the premises comply with all provisions of the Animal Control By-law as follows.
- The area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
- Every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
- The area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
- The area housing the dogs shall have a floor drain;
- The area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four hour period;
- The area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
- The area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
- Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

Every person who holds a kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:

1. at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
2. every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
3. every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
4. every dog shall be supplied with adequate amounts of potable water.

 Signature of Kennel Owner/Operator

 Date of Inspection

 Signature of Officer

Fee Enclosed: \$ _____

Cheques are to be made payable to Middlesex Centre

Please mail, hand deliver, place in drop box with payment to:

Municipality of Middlesex Centre
 10227 Ilderton Road
 RR 2 Ilderton ON N0M 2A0
 Phone: 519-666-0190

Office Use Only			
Amount Received	Date Issued	Licence No.	
<input type="checkbox"/> Cash	<input type="checkbox"/> Cheque	<input type="checkbox"/> Debit	Date Pick-up or Mail



Dog Kennel Declaration
 Municipality of Middlesex Centre
 10227 Ilderton Road
 RR 2 Ilderton ON N0M 2A0

Name of Owner: _____
 Address: _____
 Postal Code: _____ Telephone Number: _____
 Email Address: _____

Kennel Information/Requirements

- The facility is situated within a zone where its use is permitted in accordance with the provisions of the Municipality's zoning by-law.
- No kennel licence shall be issued unless the premises comply with all provisions of the Animal Control By-law as follows.
- The area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
- Every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
- The area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
- The area housing the dogs shall have a floor drain;
- The area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four hour period;
- The area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
- The area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
- Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

Every person who holds a kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:

1. at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
2. every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
3. every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
4. every dog shall be supplied with adequate amounts of potable water.

I, _____, swear that as owner/person responsible for the above noted kennel have met the conditions and requirements of the Middlesex Centre Animal Control By-law as outlined above, and will continue to abide by the requirements for the duration of this licence.

 Signature of Kennel Owner/Operator

 Signature of Municipal Official

Fee Enclosed: \$ _____

Cheques are to be made payable to Middlesex Centre

Please mail, hand deliver, place in drop box with payment to:
Municipality of Middlesex Centre
 10227 Ilderton Road
 RR 2 Ilderton ON N0M 2A0
 Phone: 519-666-0190

Office Use Only			
Amount Received	Date Issued	Licence No.	
<input type="checkbox"/> Cash	<input type="checkbox"/> Cheque	<input type="checkbox"/> Debit	Date Pick-up or Mail

MUNICIPALITY OF MIDDLESEX CENTRE

BY-LAW NUMBER 2017-014

BEING A BY-LAW TO AMEND BY-LAW 2012-030

WHEREAS Section 11(3) of the Municipal Act, S.O. 2001, c. 25 provides for the authority for lower tier municipalities to pass by-laws to regarding animals;

AND WHEREAS Section 103 and 105 of the Municipal Act, S.O. 2001, c. 25 outline specific power of municipalities regarding the impounding of animals and the muzzling of dogs;

AND WHEREAS the Municipality of Middlesex Centre passed By-Law 2012-030 on March 21, 2017 for the licensing, registration and regulation of dogs within the Municipality of Middlesex Centre;

AND WHEREAS the Council of the Municipality of Middlesex Centre deems it desirable to amend By-Law 2012-030;

THEREFORE the Council of the Municipality of Middlesex Centre enacts as follows:

1. By-law 2012-030 is hereby amended to read:

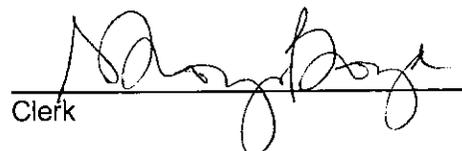
5. IMPOUNDING

- a) When a dog is seized by an officer for running at large, it may be transported directly to the pound where it shall be impounded for a minimum of three (3) days (excluding the day of seizure and any holidays) unless claimed by the owner during this period. Any dog that is not claimed within the impound period may be disposed of subject to the requirements of The Animals for Research Act R.S.O. 1990, Chapter A.22.

2. This By-Law shall come into force and effect upon the date of the final reading thereof.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 25th day of January, 2016.


Mayor


Clerk



**Municipality of Middlesex Centre
By-Law 2019-111**

Being a bylaw to amend By-law 2012-030 being a by-law to provide for the licencing, control and regulation of animals within the Municipality of Middlesex Centre.

WHEREAS Section 11(3) of the *Municipal Act*, S.O. 2001, c. 25 provides for the authority for lower tier municipalities to pass by-laws to regarding animals;

WHEREAS Section 103 and 105 of the *Municipal Act*, S.O. 2001, c. 25 outline specific power of municipalities regarding the impounding of animals and the muzzling of dogs;

WHEREAS Council desires to amend by-law 2012-030;

NOW THEREFORE the Council for the Municipality of Middlesex centre amends By-Law 2013-030 to include the following:

- 1) **THAT** Section **1. DEFINITIONS** 1. p) be amended to read as follows:
 1. p) Running at Large” means when a dog or cat is found in a place other than the premises of the owner of the dog or cat and not under physical control of any person.”
- 2) **THAT** Section **1. DEFINITIONS** 1. j) be amended to read as follows:
 1. j) Not Under Physical Control of Any Person” means when a dog or cat is not on a lead/leash held by a person.”
- 3) **THAT** Section 4. **RUNNING AT LARGE** be amended to read as follows:
 - a) No person, being the owner or keeper of any dog or cat within the municipality, shall permit any such dog or cat to run at large.
 - b) Any officer shall be and is hereby authorized to seize and impound any dog or cat found running at large within the municipality, contrary to the provisions of this by-law.
 - c) Where a dog or cat seized and/or impounded under this by-law is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, an officer or veterinarian may euthanize the dog or cat in a humane manner.
 - d) Any person may capture any dog or cat running at large on his property and contact the Animal Control officer or other duly appointed officer, who may impound the said dog or cat.
 - e) The Animal Control Officer or other duly appointed officer, may enter on any public property or private property without the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog or cat found running at large pursuant to the provisions of this by-law.
- 4) **THAT** Section 5. **IMPOUNDING** be amended to read as follows:
 - a) When a dog or cat is seized by an officer for running at large, it may be transported directly to the pound where it shall be impounded for a minimum of three (3) days (excluding the day of seizure and any holidays) unless claimed by the owner during this period. Any dog or cat that is not claimed

within the impound period may be disposed of subject to the requirements of The Animals for Research Act R.S.O. 1990, Chapter A.22.

- b) The owner of any dog or cat impounded pursuant to paragraph 4 (b) may claim the dog or cat from the pound upon payment to the Poundkeeper of any fee that may apply.
- c) Any person claiming an unregistered dog shall first pay to the Poundkeeper the required registration fee for the current year and any other charges that may apply in accordance with the provisions of the current Fee By-law. The Poundkeeper will remit the registration fee to the Municipality.
- d) If a dog or cat is injured and the services of a veterinarian have been secured, the owner shall not be entitled to redeem the dog or cat unless the charges for such veterinarian services are paid by the owner to the Poundkeeper.”

Passed this 27th day of November, 2019.

Original Signed

Aina DeViet, Mayor

Original Signed

Ann Wright, Clerk

THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

BY-LAW NO. 2021/075

A By-law to Regulate the Keeping, Registration, Licensing, Control and Welfare of certain classes of animals in the Municipality of Southwest Middlesex

Whereas section 11 (2), paragraph 6 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

And Whereas section 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a by-law to regulate animals;

And Whereas section 11(2) paragraph 8 and section 11(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass by-laws respecting animals and the protection of persons and property;

And Whereas section 8 (3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to provide for a system of licences with respect to animals;

And Whereas section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to delegate its powers and duties;

And Whereas the Council of the Corporation of the Municipality of Southwest Middlesex deems it necessary and expedient to regulate the keeping of dogs, cats and other animals in the Municipality of Southwest Middlesex;

Now Therefore the Council of the Corporation of the Municipality of Southwest Middlesex hereby enacts as follows:

1. Definitions

1.1 In this By-law:

“Agricultural Property” means any lands designated as an agricultural zone under the provisions of the Municipality’s zoning by-law where the predominant use is for agricultural purposes;

“Animal” means any member of the animal kingdom, other than a human;

“Building” means a building as defined in the Building Code Act, as amended or a structure or any part thereof used or intended to be used for supporting or sheltering any use or occupancy;

“Cat” means a regular domestic cat;

“Clerk” means the Clerk for the Municipality or any person designated by the Clerk;

“Committee” means the Appeal Committee as appointed by Council for the Municipality or other Committee appointed pursuant to this By-law;

“Dog” means a domestic dog;

“Dwelling Unit” means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities;

“Farm Dog” means a dog which is actively herding farm animals on agricultural property, such as cattle or sheep;

“Harbour or Harboured” shall include keeping or possessing for any period of time, whether temporary or not;

“Hunting Dog” means a dog licensed by the Ministry of Natural Resources for the purpose of hunting moose, deer or raccoons;

“Kennel” means a place where four (4) or more dogs are boarded, housed, trained, exercised, bred, sold, cared for, kept or harboured and shall include a commercial kennel as defined in the Municipality’s Zoning By-law but shall not include:

- (a) a veterinary clinic;
- (c) a pound or an animal shelter operated by or on behalf of the Municipality for impounding animals;
- (d) a pet store;
- (e) a facility in which animals are placed for care pursuant to the Pounds Act, R.S.O. 1990, c. P.17, as amended;
- (f) a facility registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended;
- (g) any premise licensed under any Statute of the Legislature of Ontario of the Government of Canada which permits the keeping of dogs under certain conditions.

“Keep” or “Kept” shall include harbouring or possessing for any period of time, whether temporary or not;

“Leash” means a leash, chain, rope, cord, chain or other similar device, which is used, designed and capable of being held by a person and is used and designed to restrain a dog;

“Leash Free Park” means a park owned by the Municipality where a dog is permitted to be off a leash;

“Licence” means a licence issued by the Municipality pursuant to this By-law;

“Licensee” means a person issued a kennel licence pursuant to this By-law;

“Microchip” means a device, designed to an approved Canadian standard, implanted in an animal, containing a unique code that permits or facilitates access to information such as the name and contact

information of the animal's owner;

"Municipality" means the Corporation of the Municipality of Southwest Middlesex or the land within the geographic limits of the Corporation of the Municipality of Southwest Middlesex as the context requires;

"Noise" means a sound that at the point of reception is likely to disturb the inhabitants;

"Officer" means an animal control officer, a pound keeper and its employees, the Ontario SPCA Officers, police officer, municipal law enforcement officer, the Medical Health Officer or other person appointed by by-law to enforce the provisions of this By-law;

"Owner" shall mean any person who keeps or harbours a dog, cat or animal and where the owner is a minor, the person responsible for the custody of the minor;

"Person" includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

"Police Work Dog" means a dog trained for and engaged in law enforcement by any Federal, Provincial or municipal government or government agency;

"Pound" means any premise or facility or part thereof used by the Municipality for the temporary housing or boarding of animals that have been impounded pursuant to this By-law;

"Pound Keeper" means any person retained by the Municipality to provide a pound;

"Property" means a parcel of land which is capable of being legally conveyed;

"Property Line" means any boundary of a property or its vertical projection;

"Registration or Registered" means a record of ownership and of the keeping of an animal pursuant to this By-law;

"Service Dog" means a dog trained to assist a visually impaired person or a person with a physical or mental disability or a medical condition;

"Settlement Area" means the same as defined in the Southwest Middlesex Zoning By-law.

"Tag" means a tag issued by the Municipality;

"Veterinary Clinic" means a building, land or vehicle or any combination of them used or intended to be used as a place in or from which to engage in the practice of veterinary but does not include a commercial kennel as defined in the Municipality's Zoning By-law;

"Zoning By-law" means any by-law administered by the Municipality passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

2. Application and General

2.1 This by-law shall apply throughout the whole of the Municipality.

2.2 No person shall permit a dog to make a noise by barking, howling or whining.

2.3 No person shall keep or harbour or permit to be kept or harboured at any one time, more than two (2) dogs on a property or per dwelling unit in a settlement area, three (3) dogs on a property or per dwelling unit in the rural areas, and three (3) cats in a settlement area.

2.4 Section 2.3 and 2.8 do not apply to the:

(a) Pound;

(b) Owner of a:

(i) a licensed kennel;

(ii) a veterinary clinic;

(iii) a pet store;

(iv) a pound or an animal shelter operated by or on behalf of the Municipality for impounding animals;

(v) a facility in which animals are placed for care pursuant to the Pounds Act, R.S.O. 1990, c. P.17, as amended;

(vi) a facility registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended;

(c) Limits of cats living in agricultural buildings;

(d) A Fostering Cat Owner who owns, keeps, possesses, harbours, or acts as a guardian of a domestic cat on a temporary basis, for a period of up to two years, until a permanent owner can be found. The Fostering Cat Owner shall be considered the owner of the cat under this by-law while the cat is under their care;

(e) Owners of a litter of cats or dogs up to the age of six months.

2.5 No person shall own or keep a dog over the age of twelve (12) weeks without a current valid dog licence.

2.6 An owner of a dog shall keep the tag issued by the Municipality securely fixed on the dog for which it was issued at all times.

2.7 No person shall:

(a) affix a tag to any dog other than the dog for which it was issued;

(b) remove a tag except to replace it with a current or valid tag; or

(c) remove a tag except while the dog is being lawfully used for hunting.

2.8 No person shall own or operate a kennel without a current valid kennel licence.

- 2.9 No person shall own or operate a kennel other than in accordance with the terms, conditions and standards of a licence and this By-law.
- 2.10 No person shall keep or cause to be kept an animal identified as prohibited in Schedule A to this By-law.
- 2.11 No person shall own, keep or harbour a prohibited grandparented animal unless it is registered in accordance with section 9.
- 2.12 No person shall own, keep or harbour a prohibited grandparented animal other than in accordance with the terms and conditions imposed by the Clerk and this By-law.
- 2.13 No person shall alter or modify or permit the alteration or modification of a licence.
- 2.14 No person shall use, or attempt to use a licence issued to another person.
- 2.15 Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Municipality is guilty of an offence.
- 2.16 No person who is issued a kennel licence pursuant to this By-law shall contravene any provision set out in this by-law, any other municipal by-law, federal or provincial Act, Statute, or any other legislation applicable to a kennel licence.
- 2.17 No person shall dispose of or bury an animal on Municipal property or Municipal land.
- 2.18 No person shall create a situation where an animal is likely to be in distress, as determined by an Officer because of:
- (a) confinement by that person; or
 - (b) the number of animals being kept by that person.

3. Licences and Registration

- 3.1 The Clerk is hereby delegated authority to issue licences and register animals in accordance with the provisions of this By-law.
- 3.2 The Clerk is hereby delegated authority to impose additional terms and conditions to a kennel licence and on an owner of a prohibited grandparented animal that in the opinion of the Clerk are reasonable and taking into consideration:
- (a) health, safety and welfare of animal;
 - (b) health, safety and well-being of persons;
 - (c) health, safety and welfare of other animal;
 - (d) the impact on a neighbouring property or neighbouring property owner.

- 3.3 A licence or registration automatically expires and becomes null and void upon the sale, death or other disposal of an animal to which such licence and registration applies.
- 3.4 A licence issued by the Municipality is non-refundable.
- 3.5 A licence issued pursuant to this By-law is valid for the life of the animal in which it is issued.
- 3.6 A kennel licensee shall notify the Municipality within fifteen (15) days of any changes to the:
- (a) business name;
 - (b) location of the business premises;
 - (c) ownership of the business
- and such changes shall be subject to submission of the necessary documentation to the Municipality.
- 3.7 A kennel licensee shall display a licence in a conspicuous place on the licensed property visible to the public at all times.
- 3.8 A kennel licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 3.9 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

4. Dogs – Application for a Licence

- 4.1 Every owner of a dog over the age of twelve (12) weeks that comes into his or her possession shall immediately obtain a licence for the dog.
- 4.2 An owner of a dog making an application for a dog licence shall submit:
- (a) a complete application in the form provided by the Municipality,

5. Dog – Licence

- 5.1 A dog licence in the form of a dog tag shall be issued where the Clerk is satisfied that the requirements of this By-law have been met.
- 5.2 An owner of a dog may obtain a replacement dog tag upon payment of the prescribed fee.

6. Dogs – Leashes and at Large

- 6.1 No owner of a dog shall permit a dog to be at large in the Municipality except in a Leash Free Park.
- 6.2 A dog is deemed to be running at large if the dog is not:

- (a) on its owner's property;
- (b) on other property with the consent of the owner or occupant;
- (c) in a designated off-leash area;
- (d) securely confined in a vehicle or other enclosure; or
- (e) securely leashed and in the custody of someone able to control it.

6.3 Sections 6.1 and 6.2 of this By-law shall not apply to a:

- (a) police work dog, or a service dog while actively engaged in the performance of its trained duties;
- (b) hunting dog while hunting pursuant to provincial regulations;

7. Impoundment

7.1 An officer may seize and impound an animal found running at large and may apprehend an animal.

7.2 Where an animal is seized and is injured or should be euthanized without delay for humane reasons or for reasons of safety to persons or animals, an officer may euthanize the animal, or have the animal euthanized in a humane manner as soon after seizure as the officer thinks fit without permitting any person to reclaim the animal.

7.3 Where the owner of an animal is known, the Pound Keeper shall make reasonable efforts to notify the owner that the animal has been impounded.

7.4 Where an animal is seized and impounded, the Pound Keeper shall return it to the owner provided that:

- (a) the owner claims possession of the animal within three (3) days (excluding Sundays and holidays) after the date of seizure; and
- (b) the animal can be lawfully returned; and
- (c) upon payment of any applicable licensing and registration fees; and
- (d) upon payment of the impound and boarding fees.

7.5 The owner of an animal impounded, if known, whether or not the animal is claimed by the owner from the pound, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand by the Municipality's Pound Keeper.

7.6 Where at the end of three (3) days excluding Sundays and holidays an animal has not been returned to the owner, the pound keeper may dispose of the animal in accordance with the provisions of the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended.

7.7 All monies received for the sale or adoption of unclaimed animals shall become the property of the

Municipality, or the pound keeper, as agreed to by the Municipality. However, in the event where the Municipality has entered into a contract, the terms of the contract shall prevail.

8. Prohibited Animals

- 8.1 The keeping or harbouring of an animal identified in Schedule A to this By-law is hereby prohibited.
- 8.2 Notwithstanding Section 8.1 an animal identified as prohibited in Schedule A to this By-law may be kept or harboured:
- (a) at a special event approved by the Municipality;
 - (b) at an institution accredited by the Canadian Association of Zoological Parks and Aquariums;
 - (c) at a premise licensed or exempt under the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended;
 - (d) by a person licensed, exempt or otherwise expressly permitted by provincial or federal legislation.
- 8.3 Notwithstanding section 8.1, no person shall keep an animal that is prohibited by or under any federal or provincial legislation.

9. Prohibited Grandparented Animals

- 9.1 Any person who harbours or keeps a prohibited animal shall remove the prohibited animal, or make application and provide to the Clerk proof that the prohibited animal was lawfully owned prior to the prohibition within 90 days of the passing of this By-law.
- 9.2 The Clerk upon considering those animals that were prohibited by this By-law, and being satisfied that the prohibited animal was lawfully owned prior to the prohibition may deem the prohibited animal to be grandparented.
- 9.3 The Clerk, upon deeming a prohibited animal to be grandparented shall enter information pertaining to the prohibited animal and its owner into a registry of prohibited grandparented animals.
- 9.4 The Clerk may impose additional terms or conditions on the keeping or harbouring of any prohibited grandparented animal (e.g. housing).
- 9.5 Any person who moves a prohibited grandparented animal to a location other than the one on file with the Municipality, shall notify the Clerk of the new location within the Municipality within forty-eight (48) hours after the prohibited grandparented animal is moved.
- 9.6 A prohibited grandparented animal may be kept until it dies or has otherwise been disposed of.
- 9.7 A person who has a prohibited grandparented animal that dies or is otherwise disposed of shall notify the Clerk within forty-eight (48) hours of its death.

10. Restricted - Animals

10.1 No person shall keep, or cause to be kept, a chicken, hen, rooster, horse, donkey, pony, mule, turkey, quail, llama, alpaca, cow or steer, goat, sheep, duck, goose, or livestock as defined by the Municipal Zoning By-law, on a property except on agricultural property.

11. Unsanitary Conditions

11.1 No person shall keep an animal within the Municipality in an unsanitary condition.

11.2 For the purposes of Subsection 12.1, an animal is kept in an unsanitary condition where the keeping of the animal results in the accumulation of fecal matter, an odour, insect infestation or rodent attractants, and where the accumulation of any of the aforementioned endanger or are likely to endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

12. Removal of Excrement

12.1 Every owner of a dog shall immediately remove excrement left by the dog on property anywhere within the Municipality.

12.2 Subsection 12.1 does not apply for farm dogs on their owner's farm property.

13. Kennel – Application for a Licence

13.1 Every calendar year, an owner of a kennel shall obtain a kennel licence from the Municipality prior to 31st day of January of each calendar year, unless the kennel came into the owner's possession after that date.

13.2 Where a kennel comes into the possession of an owner after the 31st day of January they shall immediately obtain a kennel licence.

13.3 A Person making an application for a kennel licence shall:

(a) submit a complete application in the form provided by the Municipality;

(b) submit an accurate plan of the property showing:

(i) the location of buildings, structures, septic system, tile bed and well in relation to property lines;

(ii) the location of dog runs, waste containment, acoustical barriers, training areas and any other facilities to be used for kennel purposes in relation to property lines;

(iii) the distance between buildings and their existing uses situated on adjacent properties.

- (c) submit in the case of a boarding kennel, proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for the term of the kennel licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Municipality by the insurance underwriter;
- (d) submit when applicable the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
- (e) submit any other documents or studies as may be required by the Municipality to the satisfaction of the Municipality;
- (f) submit the required kennel licence fee.

13.4 In addition to the above, a Person making an application for a kennel licence with over 10 dogs shall:

- (a) submit a site control plan based on a legal survey prepared by a licensed professional engineer or Ontario Land Surveyor, showing:
 - (i) the location of buildings, structures, septic system, tile bed and well in relation to property lines;
 - (ii) the location of dog runs, waste containment, acoustical barriers, training areas and any other facilities to be used for kennel purposes in relation to property lines;
 - (iii) the distance between buildings and their existing uses situated on adjacent properties;
 - (iv) the location of an adequate parking area.
- (b) submit to the satisfaction of the Municipality a noise evaluation study prepared by a qualified acoustical consultant.

13.5 In addition to the above, the Clerk may require a Person making an application for a kennel licence to provide a noise evaluation study prepared by a qualified acoustical consultant at any time as a result of noise complaints received by the Municipality.

14. Kennel – Licence

14.1 A kennel licence shall be issued by the Clerk:

- (a) upon the requirements of this By-law being met;
- (b) upon the requirements of the Municipality's zoning by-law being met;
- (c) subject to the completion of an inspection by the Municipality to its satisfaction.

15. Kennel – Terms, Conditions and Standards

15.1 A kennel licence is subject to the terms, conditions and standards set out in this By-law.

15.2 Every dog shall be inoculated with a valid anti-rabies vaccine and certificate.

15.3 The owner of a kennel shall reside on the property on which the kennel is located.

15.4 Every owner shall ensure that the kennel building complies with the following requirements:

- (a) comply with the requirements of the Municipality's Zoning By-law;
- (b) comply with the requirements of the Building Code Act;
- (c) not be attached to a dwelling unit or any other building used for human habitation with the exception of a kennel with a valid licence and existing on the date of the passing of this By-law;
- (d) have adequately sized cages to allow the dog to extend its legs to their full extent, stand or sit, turn around, or lie down in a fully extended position;
- (e) not have cages that are constructed solely of metal, wire, or impermeable concrete block;
- (f) in the case of a floor or wall:
 - i) be made of concrete or other impermeable material including rigid plastic;
 - ii) not be made of wire;
- (g) have a self-drain;
- (h) have adequate natural and artificial lights, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed.

15.5 Every owner shall ensure that a structure and defined use areas including an outdoor run, pen, exercise yard on the property of a kennel complies with the following requirements:

- (a) comply with the requirements of the Municipality's Zoning By-law;
- (b) comply with the requirements of the Building Code Act;
- (c) have adequate natural and artificial lights, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed;
- (a) be enclosed by a fence with a minimum height of 1.52 metres (5 feet) and a maximum height of 2.5 metres (8.2 feet).

15.6 Every person who owns or operates a kennel shall:

- (a) thoroughly clean and disinfect the floors of a kennel building on a daily basis;
- (b) maintain the kennel building and defined use areas including an outdoor run, pen and exercise yard in a sanitary, well-ventilated, clean condition and free from the accumulation of feces, offensive odours, insect or rodent infestations;
- (c) keep all dogs in a clean and healthy condition free from vermin and disease;
- (d) provide every dog with adequate food and potable water at all times;
- (e) provide every dog with sanitary, well ventilated, naturally lighted quarters kept at a healthy temperature at all times;
- (f) immediately drain a floor when water is present;
- (g) adhere to the guidelines set out in "A Code of Practice for Canadian Kennel Operations – Third edition | 2018", as amended, or any successor Code of Practice;
- (h) provide every dog with the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
- (i) necessary veterinary medical care when any dog exhibits signs of pain, illness or suffering;

15.7 Every person who owns or operates a breeding kennel shall:

- (a) maintain a whelping bitch dog in a separate accommodation from the other dogs in the kennel;
- (b) the separate accommodation for a whelping bitch dog shall be 2.5 times the size of the whelping bitch dog;
- (c) provide a separate outdoor run for the whelping bitch dog to prevent the transfer of diseases;
- (d) provide a whelping box for the whelping bitch dog that is constructed with four sides with a floor made of impermeable material;
- (e) not permit noise from barking during the following prohibited times;
 - (i) 22:00 one day to 07:00 the next day;
 - (ii) no continuous noise from barking in excess of 2 hours from 07:00 to 22:00;
- (f) undertake measures to ensure that residences on an adjacent property is not subjected to noise made by dogs kept or harboured on the property.

15.8 In addition to any other requirements in this By-law, a dog may be housed outdoors provided the following regulations are adhered to:

- (a) the breed of dog must be properly acclimatized to seasonal and regional temperatures;
- (b) an aged, young, or infirm dog shall not be housed outdoors;
- (c) shelter and protection from cold and heat must be provided including protection from direct sunlight, rain, sleet and snow;
- (d) an enclosed area with dry bedding must be provided.

15.9 In addition to any other requirements in this By-law, group housing of dogs in a kennel is suitable provided that the following rules are adhered to:

- (a) any dog exhibiting vicious behavior or dominance aggression is housed separately;
- (b) a dog under treatment for communicable disease or suspected of harbouring a communicable disease is separately housed;
- (c) newly acquired dogs are isolated before full integration into group housing.

15.10 In addition to Section 3.2, the Clerk, may impose the following terms and conditions on a kennel licence:

- (a) approval from the Municipality for the installation of any septic system to handle dog waste;
- (b) a restriction on the time that the outdoor runs may be open;
- (c) notwithstanding Section 15(7)(e) a further restriction on the time of when noise from barking from the kennel is restricted;
- (d) a restriction on how many dogs are in the outdoor runs or exercise yards at one time to reduce possible noise issues;
- (e) a barrier preventing a dog from seeing a motorist or a person travelling along any roads/walkways/trails, etc;
- (f) additional evaluations by a qualified acoustical consultant after the kennel has been operating;
- (g) satisfactory arrangements for the implementation and installation of noise abatement measures, including the entering into of an agreement and the posting of securities to ensure the completion of any required noise abatement measures;
- (h) in the case of a new kennel, an increased distance separation from any adjacent habitable building, excluding a building of the owner of the property on which the kennel is located.

15.11 Every person who owns or operates a kennel shall maintain records of the following information:

- (a) the names and addresses of the dog owners cared for at the kennel;
- (b) the date of arrival and departure from the kennel;

- (c) breeding and identification records of all whelping bitches and stud dogs and the resulting litters;
- (d) veterinarian records on individual dogs maintained in the kennel;
- (e) written dog care procedures dealing with, amongst other matters, methods of handling dogs, sickness, emergency situations, injury or death and contact information for a veterinarian.

16. Kennel Licences – Administrative Suspensions

- 16.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.
- 16.2 An administrative suspension of a licence without a hearing shall be imposed for:
 - (a) Fourteen (14) days if the Clerk is satisfied that the continuation of the business poses an immediate danger to health and safety of any person or to any property or in accordance with Section 16.7. Before any suspension is imposed, the Municipality shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
- 16.3 An administrative suspension imposed under section 16.2 may be imposed on such conditions as the Clerk considers appropriate.

17. Licences – Grounds for Refusal, Revocation or Suspension

- 17.1 An applicant or licensee is entitled to a kennel licence upon meeting the requirements of this By-law except where:
 - (a) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
 - (b) the applicant or licensee has past breaches of any law and any outstanding fines imposed by a court of the contravention of any provision of this By-law or any other municipal by-law or Provincial Statute associated with the carrying on of such business; or
 - (c) the issuing of a kennel licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
 - (d) the applicant or licensee has submitted an application or other documents to the Municipality containing false statements, incorrect, incomplete, or misleading information; or
 - (e) the applicant or licensee is carrying on or engaging in activities that are, or will be, if the

applicant or licensee is licensed, in contravention of this By-law, or any other applicable law; or

(f) the applicant or licensee has not paid the required kennel licence fee.

17.2 The Clerk may revoke, suspend, refuse to issue, or refuse to renew a kennel licence, where the applicant or licensee would not be entitled to a kennel licence, or to the renewal of a kennel licence, on any grounds set out in this By-law.

17.3 Where the application for a kennel licence has been revoked, suspended or cancelled, the fees paid by the applicant or licensee, in the respect of the application for a kennel licence, shall not be refunded.

17.4 Where a kennel licence has been revoked, suspended, or cancelled the licensee shall return the kennel licence to the Clerk within two (2) days of service of the notice of the decision.

17.5 When a revoked, suspended or cancelled kennel licence has not been returned, an Officer may enter upon the property excluding entry into a dwelling unit for the purpose of receiving, taking or removing the said kennel licence.

18. Licences – Grounds for Refusal, Revocation or Suspension – Terms and Conditions – Right to a Hearing

18.1 With the exception of Section 16, before a kennel licence is refused, revoked, suspended, cancelled or issued with terms or conditions, written notice shall be given to the applicant or licensee.

18.2 Notice shall be served to the applicant's or licensee's last known address filed with the Municipality and shall:

(a) contain sufficient information to specify the nature of, or reason for, any recommendation;

(b) inform the applicant or licensee of entitlement to a hearing before the Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and

(c) inform the applicant or licensee that if no written request is received, the Committee may proceed and make any decision with respect to the licence.

18.3 On receipt of a written request for a hearing from an applicant or licensee, the Clerk shall:

(a) schedule a hearing; and

(b) give the applicant or licensee notice of the hearing at least twenty (20) days prior to the hearing date.

18.4 Service of any notice on the applicant or licensee under this by-law shall be made by personal delivery or by ordinary mail. The notice shall be deemed to have been served on the seventh (7th) day after

the day of mailing or on the date of personal service.

19. Establishment of a Hearing Committee

19.1 The Committee is delegated authority by Council to hear and render decisions regarding the refusal, revocation or suspension of a kennel licence, and the imposing of terms and conditions on a kennel licence.

19.2 The decision of the Committee shall be final and binding.

20. Hearing Process

20.1 The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22*, as amended, shall apply to all hearings conducted under this By-law.

20.2 A hearing shall be held in public, and the Committee shall hear the applicant or licensee and every other person who desires to be heard, and the Committee may adjourn the hearing or reserve its decision.

20.3 No decision of the Committee is valid unless it is concurred in by the majority of the members of the Committee that heard the matter, and the decision of the Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

20.4 Any authority or permission granted by the Committee may be for such time and subject to such terms and conditions as the Committee considers advisable and as are set out in the decision.

20.5 When a person who has been given written notice of a hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in his absence, and the person shall not be entitled to any further notice of the proceedings.

20.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

- (a) the applicant or licensee;
- (b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

21. Fees

21.1. The fees for any licence, registration, or replacement tag issued pursuant to this By-law shall be as prescribed in the Municipality's Fees and Charges By-law and is payable upon submission of an application.

22. Enforcement and Penalty Provisions

- 22.1 The enforcement of this By-law shall be conducted by an Officer.
- 22.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 22.3 Every person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 22.4 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 22.5 Every person shall comply with any Order or Notice issued under the authority of this by-law.
- 22.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 22.7 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 22.8 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

23. Severability

- 23.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Municipality that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

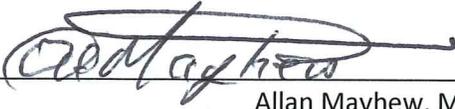
24. Singular and Plural Use

- 24.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

25. Repeal

- 25.1 That By-law No. 2010/004, By-law No. 2013/056 and By-law No. 2011/043 and all amendments thereto are hereby repealed.

Read a FIRST, SECOND, THIRD and FINAL time and passed this 15th day of September 2021.


Allan Mayhew, Mayor


Jill Bellchamber-Glazier, CAO-Clerk

**MUNICIPALITY OF SOUTHWEST MIDDLESEX
SCHEDULE "A"
BY-LAW NO. 2021/075**

The following **animals** are prohibited:

Prohibited	Examples	Exception
All Marsupialia (Marsupials)	Kangaroos and Opossums	sugar glider and short tailed opossums
All Non-human Primates	Gorillas and Monkeys	
All Felidae and hybrids		cats
All Canidae and hybrids		dogs
All Viverridae (Viverrids)	Mongoose, Civets and Genets	
All Mustelids	Skunks, Weasels, Otters, Badgers	domestic ferrets
All Ursids	Bears	
All Artiodactylus Ungulates		domestic goats, sheep, pigs, llamas, alpacas and cattle, American Bison in agricultural zones pot-bellied pigs in all zones
All Procyonidae	Racoons, Coatis and Cocomistles	
All Hyaenas		
All Lerissodactylus Ungulates		domestic horse, pony, mule and donkey in agricultural zones
All Elephantidae	Elephants	
All Pinnipedia	Seals, Fur Seals and Walruses	
All Snakes of the Families Pythonidae and Boidae greater than 2 metres in length.		
All Venomous Reptiles		
All Venomous Insects (including Arachnids).		
All animal that in capacity produce venom, even devenomized if medically significant to the average human, that will require medical treatment		
All Struthioniformes	Ratite Birds, Rheas, Cassowaries, Kiwi	emus in agricultural zones
All Raptors	Eagles, Hawks and Owls	Except those owned by falconers licensed by the Ontario Ministry of Natural Resources.
All Edentates	Anteaters, Sloths and Armadillos	
All Tubulidentata	Aardvarks	
All Bats		
All Crocodylia	Alligators and Crocodiles	
All Poultry		Hens and Roosters and all other poultry in agricultural zones

MUNICIPALITY OF SOUTHWEST MIDDLESEX

SCHEDULE "B"

BY-LAW NO. 2021/075

ANIMAL BY-LAW KENNEL LICENSING APPEAL COMMITTEE

MEMBERSHIP & TERM OF OFFICE

Five (5) Members of Southwest Municipal Council APPOINTED AS REQUIRED

MUNICIPALITY OF SOUTHWEST MIDDLESEX

PART 1 – PROVINCIAL OFFENCES ACT

SCHEDULE 'C' to BY-LAW NO. 2021/075

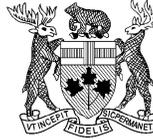
A BY-LAW TO REGULATE THE KEEPING, REGISTRATION, LICENSING, CONTROL AND WELFARE OF CERTAIN CLASSES OF ANIMALS IN THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permit dog to make noise	2.2	\$125
2	Keeping more than two (2) dogs in a settlement area	2.3	\$200
3	Keeping more than three (3) dogs in a rural area	2.3	\$200
4	Keeping more than three (3) cats in a settlement area	2.3	\$200
5	Fail to licence a dog	2.5	\$125
6	Fail to attach dog tag at all times	2.6	\$125
7	Affix dog tag to wrong dog	2.7(a)	\$125
8	Failure to obtain kennel licence	2.9	\$400
9	Keeping of a prohibited animal	2.11	\$250
10	Use of licence issued to another person	2.14	\$125
11	Dispose of animal on municipal property or land	2.17	\$125
12	Animal in distress	2.18	\$300
13	Permitting dog to run at large	6.1	\$200
14	Failure to provide adequate cages	15.4(e)	\$200
15	Failure to provide adequate outdoor run, pen, exercise yard	15.5	\$200
16	Failure to provide clean and healthy condition	15.6(c)	\$200
17	Failure to provide adequate food and potable water	15.6(d)	\$200
18	Fail to comply with notice	22.5	\$200
19	Hinder/Obstruct and Officer	22.6	\$200

Note: the general penalty provision for the offences listed above is section 22.4 of By-law No. 2021/075, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

November 30, 2021

Denny Giles
Municipality of Southwest Middlesex
153 McKellar Street
Glencoe, ON N0L 1M0

Dear Mr. Giles:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2021/075, of the Municipality of Southwest Middlesex**

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced By-Law, 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.

I have forwarded the copy of the Order and the schedules of set fines to the Provincial Offences Court in London, together with a copy of the By-law.

Yours truly,

A handwritten signature in cursive script that reads "Jeanine LeRoy".

Jeanine LeRoy
Regional Senior Justice
West Region

encl.
/dh

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. 2021/075 of the Municipality of Southwest Middlesex, attached hereto are the set fines for those offences. This Order is to take effect November 30, 2021.

Dated at London this 30th day of November 2021.



Jeanine LeRoy
Regional Senior Justice
West Region

MUNICIPALITY OF SOUTHWEST MIDDLESEX

PART 1 – PROVINCIAL OFFENCES ACT

SCHEDULE 'C' to BY-LAW NO. 2021/075

A BY-LAW TO REGULATE THE KEEPING, REGISTRATION, LICENSING, CONTROL AND WELFARE OF CERTAIN CLASSES OF ANIMALS IN THE MUNICIPALITY OF SOUTHWEST MIDDLESEX

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permit dog to make noise	2.2	\$125
2	Keeping more than two (2) dogs in a settlement area	2.3	\$200
3	Keeping more than three (3) dogs in a rural area	2.3	\$200
4	Keeping more than three (3) cats in a settlement area	2.3	\$200
5	Fail to licence a dog	2.5	\$125
6	Fail to attach dog tag at all times	2.6	\$125
7	Affix dog tag to wrong dog	2.7(a)	\$125
8	Failure to obtain kennel licence	2.9	\$400
9	Keeping of a prohibited animal	2.11	\$250
10	Use of licence issued to another person	2.14	\$125
11	Dispose of animal on municipal property or land	2.17	\$125
12	Animal in distress	2.18	\$300
13	Permitting dog to run at large	6.1	\$200
14	Failure to provide adequate cages	15.4(e)	\$200
15	Failure to provide adequate outdoor run, pen, exercise yard	15.5	\$200
16	Failure to provide clean and healthy condition	15.6(c)	\$200
17	Failure to provide adequate food and potable water	15.6(d)	\$200
18	Fail to comply with notice	22.5	\$200
19	Hinder/Obstruct and Officer	22.6	\$200

Note: the general penalty provision for the offences listed above is section 22.4 of By-law No. 2021/075, a certified copy of which has been filed.

CORPORATION OF THE TOWN OF PETROLIA
BY-LAW NUMBER 24-2015

**A BY-LAW TO PROVIDE REGULATION, RESTRICTION AND
PROHIBITION OF DOGS AND ANIMALS IN THE TOWN OF PETROLIA**

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 11, as amended, municipalities have the authority to pass by-laws with respect to animals;

NOW THEREFORE the Council of the Corporation of the Town of Petrolia enacts as follows:

PART 1
DEFINITIONS

1.1 Definitions.

In this by-law:

(a) Animal Control Officer – defined

"Animal Control Officer" shall mean a person(s) appointed by the Town, whose duties include the enforcement of this by-law.

(b) Council – defined

"Council" shall mean the Council of the Town of Petrolia

(c) Dangerous Dog – defined

"Dangerous Dog" means any dog:

- (i) that has bitten or injured a human being or domestic animal; or
- (ii) That has been threatening or aggressive towards a human being or domestic animal.
- (iii) Pit bulls

(d) Dog – defined

"Dog" shall mean a male or female dog over the age of three (3) months.

(e) Domestic Animal – defined

"Domestic Animal" shall mean an animal that has been domesticated by humans so as to live in a tame conditions and depend on human kind for survival. A relatively docile animal kept as a pet.

(f) Dwelling Unit – defined

"Dwelling Unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which occupants have access to all the habitable areas and facilities of the unit.

(g) Guard Dog – defined

"Guard Dog" shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.

(h) Hunting – defined

"Hunting" shall mean lying and waiting for, searching for, being on the trail of, pursuing, chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed, and does not include trapping.

(i) Kennel – defined

"Kennel" shall mean a lot, building, structure or establishment in which three (3) or more dogs are housed, boarded or bred.

(j) License agent – defined

"License agent" shall mean a person appointed by Council to issue dog licenses.

(k) License issuer – defined

"License issuer" shall mean the Licensing Officer for the Town of Petrolia

(l) Municipality – defined

"Municipality" shall mean the Town of Petrolia

(m) Owner – defined

"Owner" includes a person who keeps, possesses or harbors a dog and where the owner is a minor the person responsible for the custody of the minor.

(n) Person – defined

"Person" includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.

(o) Pet Shop – defined

"Pet Shop" shall mean an establishment engaged in the retail sale of animals.

(p) Pet Shopkeeper – defined

"Pet Shopkeeper" shall mean a person who has the charge, care or ownership of a pet shop.

(q) Pound – defined

"Pound" means premises, regulated under the Animals for Research Act, that are used for the confinement maintenance or disposal of animals that have to be impounded pursuant to this by-law.

(r) Pound keeper – defined

"Pound keeper" shall mean a person appointed by Town of Petrolia to act in the capacity of Pound keeper.

(s) Premises – defined

"Premises" includes the entire lot on which a building may or may not be situated.

(t) **Restrained - defined (Dangerous Dog)**

"Restrained" means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and secure so as to prevent a dog from coming in contact with or making a real and substantial threat of attack on a person other than the owner of the dog, or invitee of the owner, and includes keeping such dog securely on a leash of not more than 2 meters in length when outside of such building, house or enclosed pen.

(u) **Running at large – defined**

"Running at large" shall mean to be found in any place other than the premises of the owner of the domestic animal and not either under the physical control of any person on a leash.

(v) **Reptile or Wild Animal (Exotic)**

"Wild Animal" means any animal or reptile which is wild by nature whether born in captivity or free and which is kept for any purpose.

(w) **Municipal Law Enforcement Officer – defined**

"Municipal Law Enforcement Officer" means any person employed as By-Law Enforcement Officer, OPP or by the Humane Society of Ontario.

PART 2

EXEMPTIONS

2.1 Animal hospital-clinic-kennel-registered

This by-law shall not apply to an animal hospital, clinic or kennel, lawfully operated for the exclusive purpose of treating sick or injured animals, and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.

2.2 Ontario Society for the Prevention of Cruelty to Animals

This by-law shall not apply to the Ontario Society for the Prevention of Cruelty to Animals.

2.3 Pound

This by-law shall not apply to a pound.

2.4 Pet Shop

This by-law shall not apply to pet shops.

2.5 Zoos-fair-exhibitions-circuses-authorized

This by-law shall not apply to dogs maintained in a zoo, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority.

2.6 Service Dogs

This by-law shall not apply to police service dogs or other specially trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial, or municipal agency.

2.7 Research Facility – registered

This by-law shall not apply to dogs maintained at a research facility registered under the Animals for Research Act.

PART 3

KEEPING OF DOGS AND DOMESTIC ANIMALS

3.1 Maximum - 2 per premises

No person shall keep more than 2 dogs in any one dwelling unit or on any premises.

3.2 More than 2 dogs per premise

Notwithstanding Section 3.1 any person owning more than two (2) dogs on the day prior to this by-law coming into effect is permitted to maintain those dogs with proof of ownership in the form of a license provided that if the dogs should be sold or otherwise go out of the owners possession, they are not permitted to be replaced beyond a limit of two (2) dogs per dwelling unit.

3.3 Kennels-registered

No Kennels are permitted within the Town of Petrolia Limits

3.4 Guard Dogs-industrial-commercial premises

Notwithstanding section 3.1 of this by-law, more than two (2) guard dogs may be licensed for lawfully used industrial or commercial premises.

3.5 Excrement-removal-disposal-sanitary-immediate

Every owner of a domestic animal shall remove forthwith and sanitarily dispose of excrement left by the domestic animal anywhere in the Town of Petrolia.

3.6 Trespassing-without consent-prohibited

No person shall permit a domestic animal to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.

3.7 Running at large-prohibited

No owner of a domestic animal shall permit the domestic animal to run at large or fail to prohibit the domestic animal from running at large.

3.8 Keeping of Dangerous Dogs

- (i) When a dangerous dog is off its owner's property the owner shall:
 - (a) ensure the dog is muzzled in a humane manner at all times
 - (b) ensure the dog is on a leash not longer than one (1) meter; and
 - (c) ensure the dog is under the control of a person over the age of eighteen.
- (ii) When a dangerous dog is on its owner's property the owner shall:

- (a) ensure the dog is securely confined indoors or in a locked pen that meets the following standards:
 1. The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
 2. The pen must have minimum dimensions of two (2) meters and must have secure sides and secure top.
 3. If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimeters deep.
 4. The pen shall also provide protection from the elements for the dog.
 5. The pen shall not be within three (3) meters of the property line or within three (3) meters of a neighbouring dwelling unit.

3.9 Dangerous Dogs

- Any dog that has bitten a person or domestic animal must be kept in quarantine for 14 days at the Veterinarian, Humane Society or the Animal Control Shelter in Glencoe, all at the owner's expense.
- The Municipality may humanely destroy the impounded dangerous dog if it determined by an official/Veterinarian to be in the interest of public Safety and Health.
- No person shall keep the following breed of dog within the limits of the Town of Petrolia:
 - Pit bulls
 - or any dog that has bitten a person or domestic animal.
- All dogs of a Pit-bull breed that reside within the Town of Petrolia before the inception date of By-Law 10-2009 (9th day of February) will be grandfathered. AND will have to abide by section 3.8 of this by-law for the keeping of a dangerous dog.

3.10 Owner's Responsibilities

- (i) No owner of a dog shall fail to prevent his or her dog from:
 - (a) threatening, biting, or attacking any person;
 - (b) threatening, biting, or attacking any domestic animal; or
 - (c) damaging public or private property.
- (ii) No owner of a dog shall use a chain as a means of confinement.

PART 4 **LICENSING**

4.1 Licensing Agent-appointed-authorized

The Council shall appoint a licensing agent or agents for the Municipality and every such license shall be executed on behalf of the Municipality.

4.2 Registration-information-requirements

The license agent shall keep a record showing the following dog license registration information:

- (a) name any address of dog owner;

- (b) serial number of tag;
- (c) date of registration;
- (d) description of dog;
- (e) breed of dog;
- (f) record of rabies vaccination;
- (g) amount of fee paid upon registration.

4.3 Application-license-description-fee

Every license application shall be accompanied by the following:

- (a) description of dog including color, breed and name;
- (b) proof of rabies vaccination;
- (c) applicable fee.

4.4 License-annually

Every owner shall cause his/her dog to be licensed annually and every owner shall re-new the license annually.

4.5 Expiry-annual-December 31

Every license issued by the license agent shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.

4.6 a) Tag-serial number-issued-upon payment of fee

Upon payment of the applicable fee(s), the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued.

b) Tag-affixed-securely-to dog-at all times

The tag shall be fixed securely on the dog for which it was issued at all time until such time as the tag is renewed or replaced.

c) Tag-replacement-where lost

Where a tag has been lost, an application shall be made to the license agent for a replacement tag at a minimal fee.

The application shall be accompanied by proof that the current year's license fee has been paid.

d) Tag-removal

No person shall, within the Town of Petrolia, unlawfully remove a dog tag from a licensed dog.

e) Ownership-change in-failure to notify

Every owner shall notify the license agent upon the change in ownership of a licensed dog.

PART 5 **KENNELS**

- 5.1** No person shall keep a dog kennel within the Town of Petrolia. If a person is found to have a kennel within the Town of Petrolia, the kennel shall be closed immediately by the municipality and the owner can face fines under this by-law.

PART 6 **REPTILE AND WILD ANIMALS (EXOTIC) - KEEPING**

- 6.1** No person shall keep any venomous snake or venomous reptile, wild animal or exotic pet outlined below within the limits of the Town of Petrolia:

Alligators	Cougars	Coral Snakes
Crocodiles	Jaguars	Bobcats
Boas	Leopards	Ocelots
Pythons	Lions	Tigers
Rattle Snakes	Lynx	Foxes

PART 7

FEES

7.1 Fees

The license fees to be paid to the Town of Petrolia shall be as set out in Appendix "B" attached hereto to this By-law.

7.2 Guide dogs-hearing ear dogs-handicap-aid dogs-police service dogs exempted

Guide dogs within the meaning of the Blind Persons' Rights Act, hearing ear dogs, handicap-aid dogs and police service dogs, are exempt from the payment of all license fees applicable pursuant to this by-law.

7.3 Pound fees-payment-proof of ownership-required

Where a dog is claimed from the Pound keeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog license, and pay the Pound keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

PART 8

IMPOUNDING

8.1 Seizure – impounding

The Pound keeper shall impound any dog seized by him or delivered to him by a police officer or Animal Control Officer.

8.2 Claim - within 72 hours-release

The owner or keeper of a dog impounded for being at large shall be entitled to redeem such dog with 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Pound keeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

8.3 Owner to claim dog - before disposal

The owner of a dog that has been impounded may, upon application to the Pound keeper, claim the dog before the Pound keeper is entitled to dispose of the dog according to the provisions of section 8.4 of this by-law.

8.4 Disposal - dog - not claimed - Pound keeper – discretion

Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Pound keeper may retain the dog for such further time as he may consider proper and during that time the Pound keeper may:

- (a) sell the dog for such price as he may consider proper;
- (b) euthanize the dog;
- (c) dispose of the dog in accordance with the Animals for Research Act.

8.5 Euthanasia - for humane/safety reasons

Where a dog that is captured or taken into custody is injured or in the opinion of the Pound keeper, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other trained person appointed by the Pound keeper, may euthanize the dog in a humane manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.

8.6 Euthanasia - dangerous dog - running at large

In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

8.7 Veterinary services-required-payable by owner

Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Pound keeper, the Town of Petrolia shall pay to the Pound keeper all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this by-law, whether the dog is alive, dies or is euthanized.

8.8 Compensation - to dog owner – prohibited

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanasia or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:

- (a) recovered by any owner or other person; or
- (b) paid by the Town of Petrolia.

PART 9 **ENFORCEMENT**

9.1 Penalty

Any person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, as amended from time to time, and all such penalties and costs may be recovered under the Provincial Offences Act, as per Appendix “A” attached hereto to this By-law.

PART 10 **TRANSITION**

- 10.1** Every license issued pursuant to By-law 24-2015 shall be deemed to be a license issued under this by-law and every such license shall continue to be valid until its normal date of expiry.
- 10.2** Every act taken pursuant to the predecessor to this by-law shall, as necessary, be deemed to have been taken pursuant to this by-law and every such act may be carried to its conclusion pursuant to the authority granted by this by-law.
- 10.3** If an act has been validly commenced pursuant to the predecessor to this by-law and authority for such act does not exist pursuant to this by-law then such act may be continued to its conclusion and the portions of the predecessor to this by-law

necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

PART 11
REPEAL-ENACTMENT

- 1) **THAT** this By-law shall come into force and effect on the day it is finally passed.
- 2) **AND THAT** all By-Laws and motions of Council found to be inconsistent with the Provisions found in this By-Law including 10-2009 shall be and are Hereby Repealed.

By-Law Read a First and Second this 27th day of April, 2015.

By-Law Read a Third Time and Finally Passed this 27th day of April, 2015

John McCharles
Mayor

Manny Baron
CAO/Clerk

TOWN OF PETROLIA
Appendix “A” to By-law 24-2015

SET FINE SCHEDULE

PART 1 Provincial Offences Act

**Being a By-law to Provide Regulation, Restriction and
Prohibition of Dogs and Animals
In the Town of Petrolia.**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Having more than two dogs per residence	Section 3.1	\$250.00
2.	Failure to remove domestic animal excrement from municipal property	Section 3.5	\$150.00
3.	Trespassing of a domestic animal on private property	Section 3.6	\$150.00
4.	Permitting a domestic animal to run at large	Section 3.7	\$250.00
5.	Failure to ensure dog is muzzled in a humane manner at all times	Section 3.8 (i) (a)	\$500.00
6.	Failure to ensure dog is on a leash not longer than one (1) meter	Section 3.8 (i) (b)	\$500.00
7.	Failure to ensure dog is under the control of a person over the age of eighteen	Section 3.8 (i) (c)	\$500.00
8.	Failure to ensure the dog when on its owner’s property is confined indoors or in a locked pen	Section 3.8 (ii) (a)	\$500.00

9.	Failure to prevent or allow a dog to bite or attack a person	Section 3.10 (i) (a)	\$500.00
10.	Failure to prevent or allow a dog to bite or attack a animal	Section 3.10 (i) (b)	\$500.00
11.	Failure to renew dog license	Section 4.4	\$250.00
12.	Failure to register a dog for a license	Section 4.4	\$350.00
13.	Keep Kennel in the Town of Petrolia	Section 5.1	\$500.00
14.	Keep Reptile and/or Wild Animal	Section 6.1	\$500.00

Penalty provision for the offences indicated above as s. 9.1 of By-Law 24 of 2015; a certified copy of which has been filed.

TOWN OF PETROLIA
Appendix B

Schedule of License Fees

License Fee:	First Dog	\$30.00
	Second Dog	\$60.00

*After January 31st in any year,
License Fee is subject to a 50% surcharge,
plus fine if applicable.*

Replacement Tag	\$ 5.00
-----------------	---------

Guide Dogs & Service Dogs	No Charge
---------------------------	-----------

Tag Exchange	No Charge
--------------	-----------

(New residents will be issued a tag if their current tag was purchased from their previous municipality. Tag must not have expired and must be returned to the Town of Petrolia to be eligible for exchange.)

TOWNSHIP OF ENNISKILLEN

BYLAW NO 24 OF 2011

A Bylaw to amend Bylaw 20 of 2009 A Bylaw to License Dogs and Prohibit the running at large of dogs within the Township of Enniskillen

Whereas the Corporation of the Township of Enniskillen has authority under Section 11 (3) and Section 103 (1) of the Municipal act 2001 to pass bylaws to regulate animals with the Township.

And Whereas Bylaw 20 of 2009 and Bylaw 25 of 2009 have been passed regulating dogs within the Township.

And Whereas the Council of the Township of Enniskillen has deemed it appropriate to pass a bylaw to provide for inspections of dog kennels within the Township.

Now Therefore the Corporation of the Township of Enniskillen enacts as follows:

1. That Section 1 (c) of Bylaw 20 of 2009 be amended as follows:

Pure-Bred means

(1) registered in the registry of the Canadian Kennel Club Incorporated, the American Kennel Club.

2. That Section 1 (d) of Bylaw 20 of 2009 be amended as follows:

Dog Kennel means a building or shelter in which a dog or dogs are kept or are to be kept and in respect of which the owner has or is eligible to have issued a Kennel license by the Township.

3. That Section 3 of Bylaw 20 of 2009 be amended as follows:

Every owner of a dog shall in each year procure a license from the appointed dog licensing Officer for the Township of Enniskillen and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced. This provision does not apply to dogs within a licensed kennel.

4. That Section 4 of Bylaw 20 of 2009 be amended as follows:

Every owner of a dog which is over the age of 6 months shall pay to the Corporation of the Township of Enniskillen for the license required an annual fee as follows:

- a. First male or female dog- \$20.00
- b. Second male or female dog- \$30.00
- c. Third male or female dog- \$50.00

5. That Section 6 of Bylaw 20 of 2009 be amended to as follows:

6. The total number of dogs owned by all of the persons comprising any one household within the limits of the municipality shall be restricted to three (3) provided that any dogs born on the property may be kept there for a period not exceeding 8 weeks after birth. The restriction in numbers of dogs shall not apply to any licensed Dog Kennel within the Township.

6. That Section 9 of Bylaw 20 of 2009 be amended as follows:

9. No person shall operate a kennel for dogs within the Township without first obtaining a kennel license. A person wishing to obtain a kennel license shall be subject to an inspection by the animal control officer. The animal control officer shall inspect the kennel prior to the issuance of a kennel license. The animal control officer shall inspect the kennel and determine that the kennel is clean and sanitary, free of refuse of any kind so as to prevent the arising of odours there from and free of flies or vermin at all times.

The animal control officer shall take into consideration complaints received during the prior year of the operation of the kennel and husbandry practices for the housing of dogs in a kennel. The animal control officer may establish conditions on the issuance of a kennel license. The kennel inspection form is attached as Schedule C to this bylaw. The animal control officer may inspect a kennel after the issuance of a kennel license where a complaint has been made concerning the operation and maintenance of the dog kennel.

The animal control officer shall notify a kennel license holder 48 hours prior to the inspection required for the issuance of a kennel license.

7. That Appendix A of Bylaw 20 of 2009 be amended as a follows:

Township of Enniskillen
Bylaw 20 of 2009, as amended: Dog Licensing
Part 1 Provincial Offences Act

Item #	Column 1	Column 2	Column 3
	Short Form Wording	Provision creating or Defining offences	Set fines
1.	Failure to procure a dog license	Section 3	\$100.00
2.	Failure to display a dog tag	Section 3	\$100.00
3.	Dogs running at large	Section 11	\$100.00
4.	Dogs damaging property	Section 12 (IV)	\$100.00
5.	Fail to remove excrement	Section 14	\$100.00
6.	Misuse of Dog Tag	Section 10	\$100.00
7.	Dogs Barking	Section 13	\$100.00
8.	Operating Kennel without License	Section 9	\$100.00

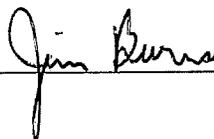
Note: the general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.3

9. This By-law shall come into full force and effect on the final passage of this bylaw.

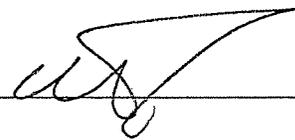
Read a first and second time this ²⁶ day of ^{April} 2011.

Read a third time and finally passed this ²⁶ day of ^{April} 2011.

Mayor



Clerk



TOWNSHIP OF ENNISKILLEN
By-law No. 20 of 2009

A By-law to Licence Dogs and Prohibit the running at large of dogs within the Township of Enniskillen.

Whereas the Corporation of the Township of Enniskillen has authority under Section 11 (3) and Section 103 (1) of the Municipal Act 2001 to pass bylaws to regulate animals within the Township.

AND WHEREAS By-laws may be passed by the Councils of local Municipalities for licensing and requiring the registration of dogs and for imposing a licence fee on the dog owners.

AND WHEREAS By-laws may be passed by the Council of a local Municipality for prohibiting or regulating the running at large of dogs in the Municipality or in any defined area thereof, for seizing and impounding dogs running at large contrary to the By-law, and for selling dogs so impounded at such time and in such manner as is provided by the By-law;

NOW THEREFORE the Corporation of the Township of Enniskillen enacts as follows:

1. In this By-law;
 - a. "Dog" means male or female dog.
 - b. "Owner" of a dog includes a person who possesses or harbours a dog, and 'owns' and 'owned' have a corresponding meaning.
 - c. "Pure-Bred" means
 - (1) registered or eligible for registration in the register of the Canadian Kennel Club, Incorporated.
 - d. "Dog Kennel" means any building, pen or other structure but not including a building used for human habitation, in which a dog or dogs are kept or are to be kept whether or not for breeding or boarding and in respect of which the owner has or is eligible to have issued by the Clerk of the Township a Kennel Licence.
 - e. "Household" means any number of persons living as a family unit or as roommates in a common dwelling.
 - f. "Dwelling" means a house, apartment, duplex triplex, condominium, semi-detached or any other type of structure used for human habitation.
 - g. "running at large" means a dog when found in any other place than the premises of the owner of the dog and not under the control of a competent and responsible person.
2. The Council shall appoint a Provincial Offences Officer or Bylaw Enforcement Officer to be designated Animal Control Officer to carry out the provisions of this By-law and shall appoint poundkeepers for impounding of animals.
3. Every owner of a dog shall in each year procure a licence from the appointed Township Dog Licensing Officer for the Township of Enniskillen and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.
4. Every owner of a dog which is over the age of six months shall pay to the Corporation of the Township of Enniskillen for the licence required an annual fee as follows:
 - a. first male or female dog - \$20.00
 - b. second male or female dog - \$30.00
5. Any person appointed by the Clerk of the Township of Enniskillen to sell dog licences, on a house to house basis, to owners of dogs within the Township of Enniskillen, shall have the authority to demand to see the receipt or licence, if said owner refuses to purchase a licence claiming that he has the required dog licence.
6. The total number of dogs owned by all of the persons comprising any one household within the limits of the Municipality shall be restricted to two (2) provided that any dogs born in the dwelling of the household may be kept there for a period not exceeding 8 weeks after birth.

This restriction in numbers shall not apply to any licensed Dog Kennel within the limits of the Municipality.

7. Every licence is personal to the holder thereof, and no licence is transferable.
8. The owner of the kennel of dogs that are pure-bred shall pay an annual fee of \$100.00 to the Enniskillen Township office as a licence fee for the kennel, and the owner of such kennel shall be exempt from further licence in respect of such pure-bred dogs for that year.

The owner of a kennel of dogs that are used for hunting and are not pure-bred shall pay an annual fee of \$100.00 as a licence fee for the kennel and the owner of such kennel shall be exempt from further licence.

The owner of a kennel for boarding dogs shall pay an annual fee of \$100.00 to the Township of Enniskillen.

The owner of a kennel of dogs that are used for dog sledding and are not purebred shall pay an annual fee of \$100.00 as a licence for the kennel and the owner shall be exempt from further licence.

9. Where any person establishes a kennel for dogs, such kennel for dogs shall be kept in a clean and sanitary condition, free of refuse of any kind at all times so as to prevent the arising of odours therefrom and free of flies or vermin at all times.
10. Every owner who fails to comply with this By-law or uses a tag upon a dog other than that for which it was issued is guilty of an offence and on conviction is liable to a fine or penalty as provided in the Provincial Offences Act.
11. (a) No owner of a dog shall allow the dog to run at large within the limits of the Township of Enniskillen.
(b) Every person who contravenes Section 11 of this By-law is guilty of an offence and on conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
12. (I) The appointed Animal Control Officer or By-law Enforcement Officer may:
 - (a) seize and impound any dog found running at large, and
 - (b) restore possession of the impounded dog to the owner thereof where
 - (i) the owner claims possession of the dog within three (3) days (exclusive of statutory holidays and Sundays) after the day of seizure, and
 - (ii) the owner pays to the By-law Enforcement Officer or the Animal Control Officer or other duly authorized person a pound fee of fifty (\$50.00) for each offence thereafter, for a dog seized and impounded, plus a maintenance sum of five dollars (\$5.00) for each day or part thereof.
- (II) Any female dog found to be running at large in heat shall be held at the pound until no longer in heat, but in any case no longer than 21 days:
- (III) (a) Where a dog is impounded, the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed, and shall pay all fees on demand by the Animal Control Officer.
(b) Where, at the end of the three (3) days, possession of the dog has not been restored to the owner under subsection 1, the Animal Control Officer may sell or dispose of the dog.

- (c) Where the owner of the dog has not claimed the dog within three (3) days after its seizure under subsection 1 above and the dog has not been sold, the Animal Control Officer may dispose of the dog as he/she sees fit and no damages or compensations shall be recovered on account of its disposition.
 - (d) Where the dog seized under subsection 1 of this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer may kill the dog in a humane manner as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensations shall be recovered on account of its killing except that where the owner of the animal is known he may be permitted to make arrangements for the animal to be transferred at his expense to a veterinary hospital.
- (IV) Any owner of a dog running at large and found to be damaging a garden, lawn, screen door or private property is guilty of an offence and on conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
- 13. No owner of a dog shall permit the dog to bark or howl between 11:00 p.m. and 7:00 a.m. of the following day in the subject areas of the attached Appendix B.
 - 14. No owner of a dog shall permit the dog to foul with excrement any public highway, park, or any premises other than the premises of the owner of the dog, unless the owner of the dog forthwith removes the excrement.
 - 15. Every person who contravenes Section 13 or Section 14 of this by-law is guilty of an offence and on conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.
 - 16. Provisions of voluntary guilty plea and payment of penalties out of court respecting contravention of this By-law is recoverable under the Provincial Offences Act.
 - 17. Fines for violations under this By-law are set out in Appendix "A" to this By-law.
 - 18. All previous By-laws of the Corporation of the Municipality of the Township of Enniskillen pertaining to dogs are hereby rescinded as of the effective date of this By-law.
 - 19. The Council of the Corporation of the Township of Enniskillen may by resolution, in any year, vary the licence fees.
 - 20. This By-law shall come into force and effect on and after the final passing thereof.

Read a first and second time this 7th day of, April 2009.

Read a third time and finally passed this 7th day of, April 2009.

Mayor

Clerk

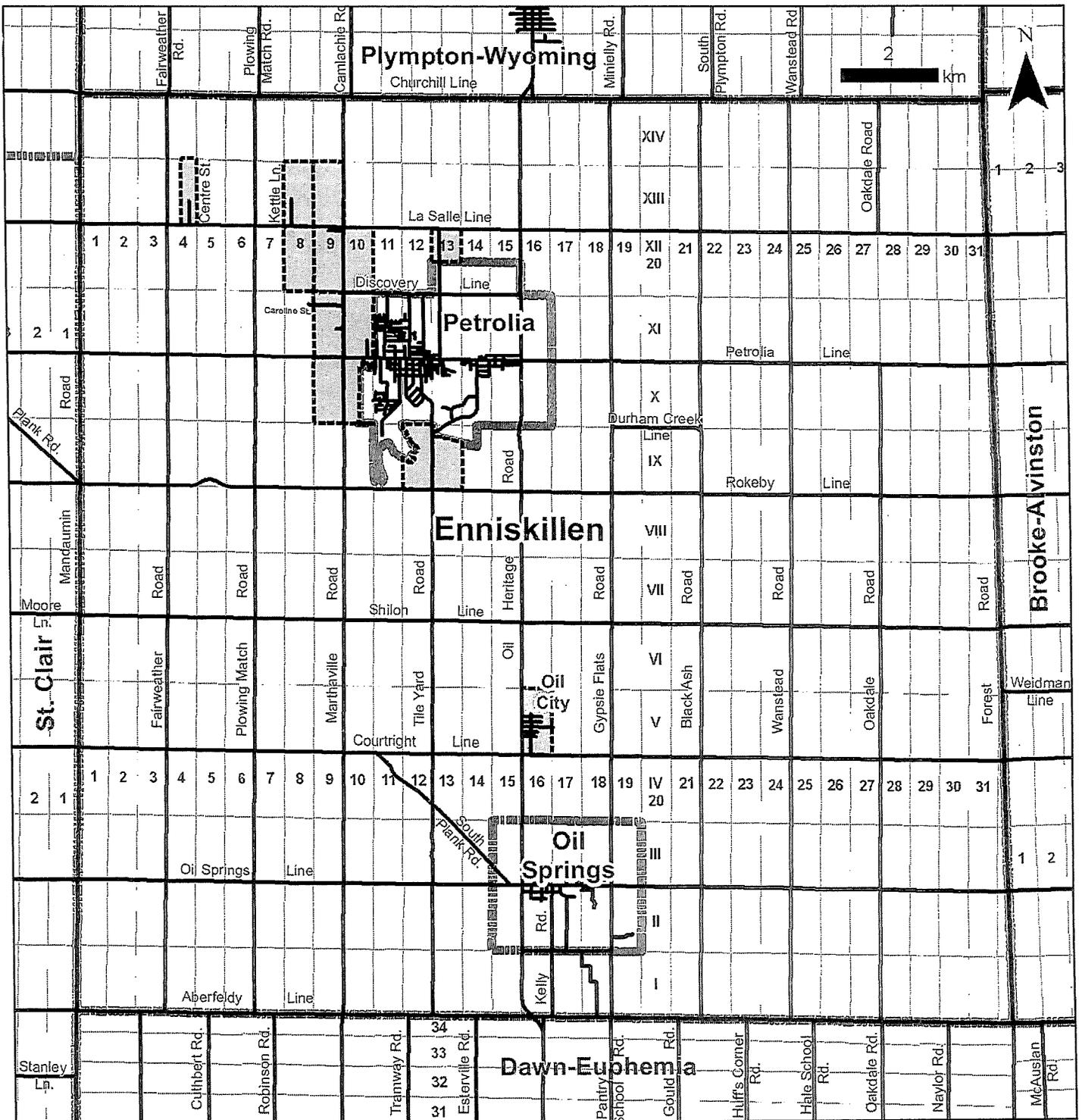
TOWNSHIP OF ENNISKILLEN
Bylaw No. 20 of 2009
APPENDIX "A"

Item	Column 1	Column 2	Column 3 Set Fine (includes costs)
1.	Failure to procure a dog licence	Section 3	\$100.00
2.	Failure to display a dog tag	Section 3	\$100.00
3.	Dogs running at large	Section 11	\$100.00
4.	Dogs damaging property	Section 12 (IV)	\$100.00
5.	Dogs – failure to remove excrement	Section 14	\$100.00
6.	Misuse of Dog Tag	Section 10	\$100.00
7.	Dogs Barking	Section 13	\$100.00

LEGEND



Subject Areas



THE CORPORATION OF THE TOWNSHIP OF WARWICK

BY-LAW NUMBER 97 OF 2012

BEING a by-law to provide for the regulation, restriction and prohibition of the control and keeping of dogs and other animals within the Corporation of the Township of Warwick, as provided under the authority of the Municipal Act, 2001, S.O. 2001, C. 25, Section II (i) and Sections 103, 104, and 105, as amended.

WHEREAS the Council of the Corporation of the Township of Warwick deems it expedient to regulate the control and keeping of dogs and other animals within the municipality of Warwick Township.

AND WHEREAS Section 130, of the Municipal Act, S.O. 2001, S. 25, as amended, authorizes a municipality to regulate matters related to health, safety and well being of the inhabitants of the municipality.

AND WHEREAS the Corporation of the Township of Warwick is empowered under the Dog Owners' Liability Act (D.O.L.A.) and related regulations, to regulate matters related to dogs.

NOW THEREFORE pursuant to the pertinent sections of the Municipal Act, the Municipal Council of the Corporation of the Township of Warwick enacts as follows:

PART 1 DEFINITIONS:

For the purposes of this By-law:

- (a) **“Animal”** means any member of the animal kingdom, other than human.
- (b) **“Animal Control Officer”** means a person or business that has entered into a contract with the Municipality of Warwick Township to control animals, and any employee of such a person or business.
- (c) **“By-Law Enforcement Officer”** means a person duly appointed by the Corporation of the Municipality of Warwick Township for the purpose of enforcing or carrying out the provisions of Municipal by-laws.
- (d) **“Dangerous Animal”** means any kind of dog or animal that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or domestic animal or; has made a real and substantial threat of attack on a person or a domestic animal provided that the dog shall not be deemed to be a dangerous dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

- (e) **“Dog”** unless the context indicates otherwise means a male or female dog, whether or not it is spayed or neutered.
- (f) **“Dog Kennel”** means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs are kept, whether or not for breeding or boarding and in respect of which the owner has or is eligible to have issued by the Clerk or By-law Enforcement Officer of the Municipality of Warwick Township, a kennel license pursuant to the regulations.
- (g) **“Owner”** of an animal includes a person who possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor. **“Owns”** or **“owned”** have a corresponding meaning.
- (h) **“Person”** includes any partnership, any body corporate or politic, any agent or trustee and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.
- (i) **“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, but does not include any premises, or part thereof, that are not used by any person or body or persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs so impounded.
- (j) **“Pound Keeper”** shall mean a person appointed by Council to act in the capacity of Pound Keeper.
- (k) **“Residential Area”** means any area within the Municipality of Warwick Township designated as a residential area under the provisions of the Warwick Township Zoning By-law as amended.
- (l) **“Redemption Period”** means the period of time within which the owner of an animal that has been impounded has the right to redeem it and such period shall be **three days**, exclusive of the day the animal was impounded, and exclusive of Saturday, Sunday or Holidays.
- (m) **“Reptile or Wild Animal (Exotic)”** means any animal or reptile which is wild by nature whether born in captivity or free and which is kept for any purpose.
- (n) **“Running at Large”** an animal shall be deemed to be running at large when found in any place other than the premises of the owner of the animal and not under the control of any person.

PART 2 PROHIBITION OF RUNNING AT LARGE OR TRESPASSING

WHEREAS the Council has the right under the Municipal Act, as amended, to pass by-laws for the control of animals within the Municipality or in any defined area thereof:

THEREFORE the Council of the Corporation of the Township of Warwick enacts that:

- 2.1 No owner of an animal shall permit his or her animal to run at large or trespass within the Municipality of Warwick Township, at any time. Any animal found running at large or trespassing, may be seized and impounded. An owner can redeem his or her animal after payment of the appropriate fines and the pound fees as listed in **Schedule "B"**. If, after the expiration of the redemption period, an animal has not been claimed, the pound keeper may find an alternative home, or if necessary, humanely euthanize and cremate the animal.
- 2.2 In the event that an animal is running at large or trespassing and cannot be captured, and, in the opinion of the animal control officer, it poses a threat to persons or other animals, it may be killed forthwith by the Animal Control Officer if it is deemed necessary and in the interests of public safety to kill such an animal.
- 2.3 Every owner of a dog shall be responsible for the custody of their dog and possible impacts under the Dog Owners Liability Act (D.O.L.A.)
- 2.4 Every owner of a dog shall in each year procure a license from either the appointed Township Animal Control Officer or from the Municipal Office; and shall pay to the Corporation of the Township of Warwick an annual license fee as set out in **Schedule "A"**; and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced.
- 2.5 No person shall permit unprovoked barking, calling or whining or other similar persistent noise making by any domestic pet or any other animal kept or used for purpose other than agriculture.
- 2.6 If an animal is captured, and the owner can be identified, the Animal Control Officer may contact the owner and the animal may be returned prior to the animal being delivered to the pound, upon payment of a redemption fee in the amount of \$25.00.
- 2.7 When an animal is impounded, and the owner is known, and it is alleged that the by-law has been contravened with respect to animals running at large or trespassing and the payment of the applicable fines and pound fees are not made voluntarily, the fine is recoverable under the "Provincial Offences Act".

PART 3 CONTROL OF ANIMALS

3.1 If it is deemed that the dog is running at large at the time of the attack or bite to a person or another domestic dog /animal, the said dog **must** be kept in quarantine for 10 days, at a pound or animal shelter designated by the Township of Warwick and **not** on or in the premises of the dog owner, and all expenses will be at the dog owners' expense.

3.2 Keeping of Dangerous Dogs:

- i. Every owner of a dangerous dog shall:
 - a) License such dog with the Municipality as a dangerous dog in accordance with the requirements of this by-law;
 - b) Ensure that such dog is spayed or neutered;
 - c) Ensure that such dog has an up to date rabies shot;
 - d) Display assign at each entrance to the property and building in which the dog is kept warning that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
- ii. When a dangerous dog is off its owner's property the owner shall:
 - a) Ensure the dog is muzzled in a humane manner at all times;
 - b) Ensure the dog is on a leash not longer than one metre; and
 - c) Ensure the dog is under the control of a person over the age of eighteen.
- iii. When a dangerous dog is on its owner's property the owner shall:
 - a) Ensure the dog is securely confined in a locked area that meets the following standards:
 - 1. The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
 - 2. The pen must have minimum dimensions of two metres by four metres and must have secure sides and secure top.
 - 3. If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimeters deep.
 - 4. The pen shall also provide protection from the elements for the dog.
 - 5. The pen shall not be within three metres of the property line or within three metres of a neighbouring dwelling unit.
- iv. It shall be a condition of every licence for a dangerous dog that the owner of the dangerous dog provide and maintain a policy of liability insurance in the amount of at least one million dollars, covering the twelve-month period during which licensing is sought, for injuries caused by the owner's

dangerous dog. This policy shall name the Municipality as a co-insured for the sole purpose of the Municipality being notified by the insurance company of any cancellation, termination or expiration of the policy.

- v. If the Municipality has, in its sole discretion, determined that a dog is a dangerous dog for the purposes of this by-law, the Municipality shall impound the said dog at the owner's expense for a maximum of 10 days or the Municipality may order the owner of the said dog to impound the dog on the owner's property until such time that the owner of the said dog has complied with all of the requirements contained in this by-law for the keeping of a dangerous dog. Should the owner fail to comply with all of the requirements contained in this by-law for the keeping of a dangerous dog within the said 10-day period, the Municipality may humanely destroy the impounded dangerous dog.
 - vi. In the event the owner fails to comply with the provisions of section 3.7, the dog shall be seized in accordance with section 13 of the D.O.L.A., as amended.
- 3.3 Within the Municipality of Warwick Township, no owner of an animal shall fail to keep his or her animal leashed when not on the owner's property.
- 3.4 All owners of animals shall remove excrement left by their animal in any place within the Municipality other than the premises of the owner of the animal.
- 3.5 No person shall keep upon or in any lands or premises within the Municipality of Warwick Township, in a Residential Area, more than three (3) cats per household, and/or more than two (2) dogs per household, unless a kennel license has been obtained. However, any young born upon or in such lands or premises may be kept there for a period not exceeding twelve (12) weeks after birth.
- 3.6 No person shall keep any venomous snake or venomous reptile, wild animal or exotic pet outlined below within the limits of the Township of Warwick:
- | | |
|---------------|----------|
| Alligators | Cougars |
| Crocodiles | Jaguars |
| Boas | Leopards |
| Pythons | Lions |
| Rattle Snakes | Lynx |
| Coral Snakes | Ocelots |
| Bobcats | Tigers |
| Foxes | Bears |

3.7 Responsibilities of Dog Owners and the Public:

- i. No owner shall permit his or her dog:
 - a) To bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running;
 - b) To fight with any domestic animal or domestic bird; and
 - c) To damage public or private property.
- ii. No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this by-law or provincial legislation.
- iii. No person shall:
 - a) Tease, torment, annoy, or abuse any dog; and
 - b) Untie, loosen or otherwise free any dog which is not in distress unless such person has the authorization of the owner or the lawful authority to do so.

PART 4 DOG KENNELS, RUNS, ETC.

- 4.1 Where any person establishes a dog kennel, structure, enclosure, pen or run in which a dog is, or dogs, or other animals are kept, such kennel, structure, enclosure, pen or run shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent odours and shall be kept free of flies or vermin at all times.
- 4.2 No dog kennel may be established or maintained in an area zoned residential in the Municipal Zoning By-law, as amended from time to time.
- 4.3 No dog kennel shall be constructed or located within thirty (30) metres of any building used for human habitation on an adjacent lot.

PART 5 POUND KEEPING

- 5.1 The Animal Control Officer shall provide and maintain or cause to be provided and maintained an animal pound or pounds in which stray animals may be impounded and in which an animal found running at large or trespassing contrary to the provisions of this By-law may be impounded for the duration of the redemption period until claimed by its owner or disposed of by the keeper of the pound.

PART 6 PENALTY SECTION (Schedule "C")

- 6.1 Any person who breaches a section of this By-law is guilty of an offence and subject to a penalty as provided under the "Provincial Offences Act".
- 6.2 If any section or portion of the By-law or of Schedules "A", "B" and "C" are found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the Corporation of the Township of Warwick that all remaining sections and portions of the By-law and of Schedules "A", "B" and "C" continue in force and effect.
- 6.3 Any person who does not pay for their dog tag(s) by August 1st of each year, the amount of the Dog License fee as per Schedule "C" will be added to the property owner's September taxes, and collected in the same manner as municipal taxes.

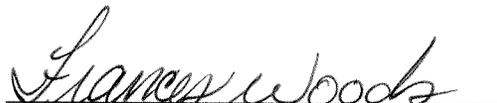
PART 7 ENACTMENT

- 7.1 This By-law repeals all previous animal control by-laws in the Municipality of Warwick Township and its predecessor municipalities.
- 7.2 This By-law shall come into force and effect on the date of passing.

READ A FIRST AND SECOND TIME THIS 14th DAY OF NOVEMBER, 2012.



Mayor – Todd Case



Clerk – Frances Woods

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF NOVEMBER, 2012.



Mayor – Todd Case



Clerk – Frances Woods

The Corporation of the Township of Warwick

SCHEDULE “A”

TO BY-LAW 97 OF 2012: Animal Control By-law

Every owner of a dog shall pay to the Corporation of the Township of Warwick an annual license fee as follows:

- | | | |
|----|--|----------|
| a) | Male or female (not neutered or spayed) | \$30.00 |
| b) | Male or female (neutered or spayed)
(Veterinarian’s Certificate required) | \$25.00 |
| c) | 2 nd Male or female | \$35.00 |
| d) | 3 rd Male or female | \$45.00 |
| e) | Kennel License
(must show kennel association certificate) | \$100.00 |

The Corporation of the Township of Warwick

SCHEDULE "B"

TO BY-LAW 97 OF 2012: Animal Control By-law

REDEMPTION FEES

In addition to any fines that are imposed as per Schedule "C", the redemption fees as described herein shall be payable, as follows:

If the animal is taken to the Glencoe Animal Shelter, the owner shall pay:

- **The current fee charged by the Glencoe Animal Shelter.**

If the animal is taken to the Sarnia Humane Society, the owner shall pay:

- **The current fee charged by the Sarnia Humane Society.**

The Corporation of the Township of Warwick

SCHEDULE "C" to By-law 97 2012: Animal Control By-law

Part 1 Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining offence	COLUMN 3 Set Fine
1.	Permit animal to run at large or trespass	s. 2.1	\$53.00
2.	Fail to procure Dog License	s. 2.4	\$53.00
3.	Fail to attach License Tag to Dog	s. 2.4	\$53.00
4.	Permit unprovoked persistent barking, howling, or other persistent noise	s. 2.5	\$53.00
5.	Fail to license dangerous dog	s.3.2 (i) (a)	\$400.00
6.	Fail to have dangerous dog spayed or neutered	s.3.2 (i) (b)	\$400.00
7.	Fail to have rabies shot for Dangerous dog	s.3.2 (i) (c)	\$400.00
8.	Fail to display dangerous dog sign on property	s.3.2 (i) (d)	\$400.00
9.	Fail to muzzle dangerous dog	s.3.2 (ii) (a)	\$400.00
10.	Fail to leash dangerous dog	s.3.2 (ii) (b)	\$400.00
11.	Fail to keep dangerous dog under Control	s.3.2(ii) (c)	\$400.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining offence	COLUMN 3 Set Fine
12.	Fail to securely confine dangerous dog	s.3.2 (iii) (a)	\$400.00
14.	Owner – Failed to remove excrement	s. 3.4	\$53.00
15.	Keep more than 3 cats per household	s. 3.5	\$53.00
16.	Keep more than 2 dogs per household	s. 3.5	\$53.00
17.	Keeping of exotic pet(s)	s. 3.6	\$500.00
18.	Permit dog to threaten, bite, attack any person	s.3.7(i) (a)	\$400.00
19.	Permit dog to attack any domestic animal	s.3.7(i) (b)	\$400.00
20.	Permit dog to damage public/private property	s.3.7(i) (c)	\$400.00
21.	Interfere, hinder, impede Animal Control Officer	s.3.7(ii)	\$400.00
22.	Tease, torment, annoy or abuse dog	s.3.7(iii) (a)	\$400.00

The penalty provision for the offence indicated above is Part 6, Section 6.1 of By-law 97 of 2012, a certified copy of which has been filed.

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART 1

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. 97 of 2012, of the Township of Warwick, attached hereto are the set fines for those offences. This Order is to take effect _____.

Dated at _____, Ontario, this _____ day of _____, 20____.

Regional Senior Justice
West Region

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

CLERK'S DEPT.
REFER TO FRAN
RECEIVED
JAN 18 2013
COPIES 1
Glencoe Animal Shelter

January 14, 2013

Ms. Frances Woods, Clerk
Township of Warwick
6332 Nauvoo Road, R.R.#8
Watford, Ontario NOM 2S0

Dear Ms. Woods:

Re: Set Fines - Provincial Offences Act - Part I
By-law Number 97 of 2012, of the Township of Warwick

Enclosed herewith is the Order, and the schedule of set fines for the above referenced By-Law, 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.

I have forwarded copies of the Order and the schedule of set fines to the Provincial Offences Court in Sarnia, together with a certified copy of the By-law.

Yours truly,

Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures
/jg

ONTARIO COURT OF JUSTICE

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. 97 of 2012, of the Township of Warwick, attached hereto are the set fines for those offences. This Order is to take effect January 14, 2013.

Dated at London this 14th day of January 2013.



Kathleen E. McGowan
Regional Senior Justice
West Region

The Corporation of the Township of Warwick
SCHEDULE “C” to By-law 97 2012: Animal Control By-law

Part 1 Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining offence	COLUMN 3 Set Fine
1.	Permit animal to run at large or trespass	s. 2.1	\$53.00
2.	Fail to procure Dog License	s. 2.4	\$53.00
3.	Fail to attach License Tag to Dog	s. 2.4	\$53.00
4.	Permit unprovoked persistent barking, howling, or other persistent noise	s. 2.5	\$53.00
5.	Fail to license dangerous dog	s.3.2 (i) (a)	\$400.00
6.	Fail to have dangerous dog spayed or neutered	s.3.2 (i) (b)	\$400.00
7.	Fail to have rabies shot for Dangerous dog	s.3.2 (i) (c)	\$400.00
8.	Fail to display dangerous dog sign on property	s.3.2 (i) (d)	\$400.00
9.	Fail to muzzle dangerous dog	s.3.2 (ii) (a)	\$400.00
10.	Fail to leash dangerous dog	s.3.2 (ii) (b)	\$400.00
11.	Fail to keep dangerous dog under Control	s.3.2(ii) (c)	\$400.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or Defining offence	COLUMN 3 Set Fine
12.	Fail to securely confine dangerous dog	s.3.2 (iii) (a)	\$400.00
13.	Owner – Failed to remove excrement	s. 3.4	\$53.00
14.	Keep more than 3 cats per household	s. 3.5	\$53.00
15.	Keep more than 2 dogs per household	s. 3.5	\$53.00
16.	Keeping of exotic pet(s)	s. 3.6	\$500.00
17.	Permit dog to threaten, bite, attack any person	s.3.7(i) (a)	\$400.00
18.	Permit dog to attack any domestic animal	s.3.7(i) (b)	\$400.00
19.	Permit dog to damage public/private property	s.3.7(i) (c)	\$400.00
20.	Interfere, hinder, impede Animal Control Officer	s.3.7(ii)	\$400.00
21.	Tease, torment, annoy or abuse dog	s.3.7(iii) (a)	\$400.00

The penalty provision for the offence indicated above is Part 6, Section 6.1 of By-law 97 of 2012, a certified copy of which has been filed.

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 15th day of December, 2015.

REEVE DIANE BREWER

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**

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

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

Column 1	Column 2	Column 3
Item N.	Restricted Dog Status	Licence Fee
1.	1 st Restricted Dog	\$125.00
2.	2 nd Restricted Dog	\$145.00

**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	Part 2, s. 3	\$150.00
2.	Fail to license dog	Part 2, s. 4	\$150.00
3.	Fail to affix license tag to dog	Part 2, s. 4	\$150.00
4.	Fail to register dog moved into Village within 30 days	Part 2, s. 5	\$150.00
5.	Guardian fixes or uses a tag on a dog other than the dog for which it was issued	Part 2, s. 8(d)	\$150.00
6.	Guardian permits dog to run at large	Part 3, s. 11(a)	\$150.00
7.	Guardian permits persistent barking or other noise	Part 4, s. 15	\$250.00
8.	Guardian permits dog to foul with feces	Part 5, s. 16	\$150.00
9.	Guardian permits dog to bite or attack	Part 6, s. 17(a)	\$350.00

“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”.



MUNICIPALITY OF **West Elgin**

The Corporation of the Municipality of West Elgin

By-Law No. 2020-74

Being a by-law to put in place regulations associated with the control, licensing and registration of animals within the Municipality of West Elgin

Whereas the *Municipal Act, S.O. 2001, C.25* Sections 11, 103, 105 and 391(1), as may be amended from time to time, provides that a municipality may pass by-laws prohibiting, regulating and restricting the keeping of animals or any class thereof, the destruction thereof and allow for a licensing and animal identification system; and

Whereas the *Provincial Animal Welfare Services Act, R.S.O. 2019 C. P13*, Section 13 provides that every person who owns or has a custody or care of an animal shall comply with the standards of care and the administrative requirements with respect to every animal that the person owns or has custody or care of; and

Whereas the *Animals for Research Act, R.S.O. 1990, C. A22*, Section 20 provides for the impounding and sale or destruction of a dog or cat; and

Whereas the *Dog Owners Liability Act, R.S.O. 1990, C.D16*, as amended, provides for the protection of persons and property; and

Whereas the *Ontario Police Services Act, R.S.O. 1990, C. P15*, as amended, provides that Council may appoint Municipal By-Law Enforcement Officers to enforce all municipal by-laws; and

Whereas the Council of the Corporation of the Municipality of West Elgin deems it necessary and expedient to pass such a by-law;

Now Therefore the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. Definitions

“Council” means the Council of the Corporation of the Municipality of West Elgin;

“Dangerous Dog” shall mean any dog:

- a) That has bitten or injured a human being or domestic animal; or
- b) that has been threatening or aggressive towards a human being or domestic animal

“Dog” shall mean a male or female *Canis familiaris*;

“Distress” means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering;

“Domestic” means an animal that is not wild, untamed, uncultivated, feral or brutal in nature of disposition;

“Feed” or “feeding” means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals;

“Food” means any substance or food which could reasonably be expected to be consumed by a wild animal, but does not include:

- a) compost kept in accordance with all applicable by-laws, statutes or regulations;
- b) landscaping materials used for landscaping purposes; or
- c) food being grown for human consumption

“Guide dog” shall mean a dog trained and certified for a guide for the blind, hearing impaired or other disability and used as such;

“Kennel” shall mean:

- a) A place where more than two dogs are kept for the purpose of show, training, breeding, selling; or
- b) A place where more than two dogs are kept and cared for on behalf of the owners of the dogs, boarding, grooming or temporary housing;

“Municipality” shall mean the Municipality of West Elgin;

“Muzzle” shall mean a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting, yet still allows a dog to pant or drink;

“Officer” shall mean the Animal Control Officer or By-law Enforcement Officer or pound keeper designated by the Municipality of West Elgin Council as a Municipal By-law Enforcement Officer, and/or a Police Officer providing Police Services to the Municipality;

“Owner” of an animal includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;

“Police Work Dog” shall mean a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

“Pound” shall mean such premises as approved from time to time by Council;

“Pound keeper” shall mean the person appointed as such by Council;

“Premises” shall mean all the abutting lands owned by a person, or over which a person exercises control, including a building, buildings or a part of a building located on the lands, and includes vacant lot or lots;

“Property Owner” shall mean the registered owner of the real property and shall include family members or tenant of the property owner who may be residing at the property;

“Pure bred” shall mean registered or eligible for registration in the register of the Canadian or American Kennel Clubs, or of a class designated as pure-bred in any regulations passed pursuant to provincial legislation;

“Running at large” shall mean to be found in any place other than the premises of the owner of the animal and not under the control of any person;

“Tag” shall mean a metal tag issued by the Municipality and indicating the number under which the dog is registered;

“Wildlife” shall mean an animal, other than birds, which has not been made tame nor has been taught to live with and under the control of humans.

2. Licencing of Dogs

- 2.1. Every calendar year the owner of a dog shall ensure that any dog owned by him or her is licensed by the Municipality with exception to an owner being the operator of a licensed kennel.
- 2.2. The license shall be obtained before the 31st day of May each calendar year, unless the dog came into the owner's possession or care after that date.
- 2.3. Every owner of a dog that comes into his or her possession after May 31 shall obtain a license for the dog within ten days of taking possession of the dog.
- 2.4. The owners of a guide dog or a police work dog shall ensure that these dogs are licensed, but no fee is imposable for such dogs.
- 2.5. In order to license a dog and obtain a tag the owner of the dog may be asked to produce proof that the dog is currently inoculated against rabies.
- 2.6. On payment of the initial license fee, as set by Council from time to time, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on

the dog at all times with the exception that the tag may be removed while the dog is being lawfully used for hunting. Replacement tags may be purchased at the municipal office.

- 2.7. The licensing fee shall be paid each calendar year, as per the current Fees & Charges as set by Council.
- 2.8. No owner shall permit a dog to wear a tag other than the one issued for the dog, tags are not transferable.
- 2.9. The owner of any kennel shall pay the kennel license fee, as set by Council, as amended from time to time by Council, by the 31st day of May of each year.

3. Number of Animals

- 3.1. A maximum number of three (3) dogs harboured at any one time in a dwelling unit, within West Elgin, with the following exceptions:
 - a) A Municipally licenced kennel;
 - b) An animal hospital;
 - c) A pound or authorized facility;
 - d) A pet store;
 - e) A registered research facility or supply facility under the *Animals for Research Act*.

4. Dog Kennels

- 4.1. Any person or persons who keep more than two dogs, which are aged over three months, at one location may apply for a kennel license as set out in attached Schedule "A".
- 4.2. A kennel license may be issued to the owner of confined dogs kept exclusively for hunting, working or dog-sled purposes.
- 4.3. The Council of the Municipality of West Elgin reserves the right to refuse a kennel license.
- 4.4. Every person who holds a kennel license shall comply with the following requirements:
 - a) The license shall be exposed at all times in a conspicuous place in the interior of the premises;
 - b) The premises shall be maintained in a sanitary, well ventilated, clean condition and free from offensive odours;
 - c) The animals shall be kept in sanitary, well bedded, well ventilated, naturally lighted, clean quarters and a healthful temperature shall be maintained at all times;

- d) The animals shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease;
 - e) The kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation;
 - f) The kennel building and its location shall conform to the applicable zoning by-law and the Ontario Building code and the building shall be maintained in damage-free condition;
 - g) The kennel floor shall be thoroughly cleaned daily, or more often if necessary;
 - h) Any cage shall be adequately sized to allow the animal to extend its legs to their full extent, to stand, sit, turn around or lie down in a fully extended position. There must also be sufficient space to enable species appropriate contact, provide bitches with nursing puppies an additional 10% space per nursing puppy, and provide for the social and behavioural needs of the dog;
 - i) Cages are to be constructed of metal, wire, or partly of wire and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often if necessary;
 - j) Whelping facilities shall be separate from the individual and/or group kennel enclosures housing other kennel dogs;
 - k) The whelping area shall consist of a whelping box which is 2 1/2 times the size of the bitch, constructed with four sides and a floor, and shall be regularly cleaned and sanitized.
- 4.5. The Officer may inspect any place where the animals are kept, pursuant to this by-law.
- 4.6. If the kennel is found not to conform to the requirements set out herein, the Officer may direct that the animals be seized and impounded and may revoke the license issued to the kennel.
- 4.7. Every owner or operator of a kennel shall allow access to the facility for the purpose of inspection at all reasonable hours by an Officer.
- 4.8. Every owner or operator of a kennel shall allow access to the facility for an annual inspection as part of the renewal process and the inspector shall complete the Kennel Inspection Checklist as shown in attached Schedule "B"

5. Running At Large

- 5.1. Every owner shall ensure that his or her dog does not run at large within the Municipality of West Elgin.

- 5.2. A dog running at large may be seized and impounded and may be sold or destroyed by the pound keeper following Seventy-Two (72) hours (excluding day in and day out) redemption period excluding Saturday, Sunday and Statutory Holidays.
- 5.3. A dog that is seized and impounded, will not be released until pound, maintenance, veterinary, or other fees have been paid.
- 5.4. For the purpose of this by-law a dog shall be deemed to be running at large when found in any place other than the premises of the owner, and not under the control of any person.

6. Responsibility of Animal Owners and the Public

No person shall:

- a) Tease, torment, annoy or abuse any animal; or
- b) Untie, loosen or otherwise free any animal which is not in distress unless such person has the authorization of the owner

7. Abandonment or Disposal of Animals and/or Litters of Animals

- 7.1. No person shall abandon or dispose of a live animal and/or litters of live animals on any private or other property, including public property, within the Municipality without the written permission of the property owner.
- 7.2. The prohibited abandonment or disposal of animals shall be reported to the pound keeper during regular business hours with all information available.

8. Owners To Take Precautions

The owner of a dog shall exercise reasonable precautions to prevent it from biting or attacking a person or domestic animal; or behaving in a manner that poses a menace to the safety of persons or domestic animals

9. Designation As Potentially Dangerous Or Dangerous Dogs

- 9.1. Where an Officer is satisfied that, in the absence of any mitigating factor, a dog has approached a person or domestic animal in a menacing fashion or apparent attitude of attack, including but not limited to, behavior such as growling or snarling, the Officer may issue a designation in writing to the owner designating a dog as potentially dangerous or dangerous, as shown in attached Schedule "C".
- 9.2. Where an Officer is satisfied that a dog:

- a) Has, in the absence of any mitigating factor, attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - b) Has in the absence of any mitigating factor, significantly injured or killed a domestic animal; or
 - c) Having been previously designated as potentially dangerous, is kept or permitted to be kept in violation of the requirements for a potentially dangerous dog, the Officer may issue a designation in writing to the owner of dog, designating the dog as dangerous.
- 9.3. No owner of a dog designated as potentially dangerous or dangerous shall transfer ownership of the dog without first having obtained the written consent of the Pound keeper. In granting or refusing consent, the Pound keeper shall consider the likelihood that all the applicable provisions of this By-law and the *Dog Owners' Liability Act*, including any orders under that Act, will be met.
- 9.4. In addition to complying with all the applicable provisions of this By-law, every owner of a dog designated as dangerous shall adhere to the conditions laid out in the Potentially Dangerous Dog Designation Order, as set out in attached Schedule "C" and signed by the Officer.
- 9.5. Where a dog has been designated as a potentially dangerous or dangerous dog the owner may appeal to West Elgin Council, by written notice, within fifteen (15) days of the Municipality notifying the owner of the decision to designate the dog.
- 9.6. Where an owner appeals to the Municipality of West Elgin Council shall hear the appeal by way of a new hearing under the *Statutory Powers Procedure Act* to determine whether the dog is dangerous or potentially dangerous.
- 9.7. No member of Council or its staff is personally liable for anything done by it or him or her under authority of this by-law.

10. Create a Nuisance

- 10.1. Every owner of a dog shall remove forthwith any excrement left by the animal on any property.
- 10.2. Subsection 10.1 does not apply to persons reliant on a guide dog or persons in control of a police work dog when such dog is in the execution of its duties.
- 10.3. No owner or person harbouring a dog shall allow a dog to bark, whine or yelp excessively.

11. Standard of Animal Care

- 11.1. No person may keep any domestic animal unless the animal is provided with:

- a) Clean potable drinking water in spill proof containers at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
- b) Food and water receptacles that are kept clean and disinfected and located so as to avoid contamination by excreta;
- c) The opportunity for periodic exercise sufficient to maintain good health;
- d) Necessary veterinary medical care when the animal exhibits signs of pain or suffering.

11.2. No person may keep any domestic animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter. The shelter must:

- a) Be weatherproof with an exterior windbreak and exterior door flap;
- b) Have a door facing away from the prevailing wind and must be elevated off the ground;
- c) Provide sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
- d) Be at least 1 ½ times the length of the animal and at least 1 ½ times the animal's width, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
- e) Be insulated to ensure protection from heat, cold and wet and be appropriate to the animal's weight and type of coat;
- f) Provide sufficient shade to protect the animal from the direct rays of the sun at all times;
- g) Be regularly cleaned and sanitized and excreta removed at least once a day

11.3. No person may cause a dog to be hitched, tied, or fastened by any rope, chain or cord that is directly tied around the animal's neck on to a choke collar.

11.4. No person shall cause a dog to be confined in an enclosed space without adequate ventilation.

11.5. No person shall allow any domestic animal to suffer from any infectious disease.

12. Severability

If a court of competent jurisdiction should declare any part or section of this by-law to be invalid, it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

13. Penalties

13.1. Every person who contravenes any provision of this by-law is guilty of an offence and is subject to the penalties under the *Provincial Offences Act*.

13.2. The Animal Control Officer, By-Law Enforcement Officer and any Officer appointed as a peace officer may enter, at all reasonable times, upon any property subject to the regulations of this by-law in order to ascertain whether such regulations or directions are being obeyed.

14. Enactment

14.1. By-Laws 2005-74 and 2011-24 as amended is hereby repealed.

14.2. This By-Law shall be known as the Animal Control By-Law and shall come into force and effect upon the third and final reading thereof.

Read a first, second, and third time and passed this 22nd day of October, 2020



Duncan McPhail
Mayor



Jaria Nethercott
Clerk



Schedule "A"

The Municipality of West Elgin

22413 Hoskins Line, Box 490, Rodney Ontario N0L 2C0

The Corporation of the Municipality of West Elgin Application for a Kennel Permit

Name of Kennel:	
Owner (Full Name):	
Mailing Address:	
Telephone:	(Home) _____ (Business) _____

(If more than one registered owner with a different address or telephone, attach a separate sheet)

Legal Description of Property: _____

Professional Affiliations of Applicant:

- Canadian Kennel Club
- Ontario Dog Kennel Organization

Other (please specify): _____

Breed of Dogs: _____

Calendar Year for which Permit is Requested: _____

- New Application
- Renewal of Application

NOTE: Applicant must attach hereto a diagram showing:

- The true shape and dimensions of the property (drawn to a scale of 500:1);

- The location, height, and dimensions of the kennel structure (drawn to a scale of 100:1);
- The location and dimensions of all runs used in connection with the kennel (drawn to a scale of 100:1); and
- The location and dimensions of all other buildings and structures on the property, and their distances from kennel structures.

Statement of Fact

I/We, _____, hereby make an application for the following permit. As part of this Application, I/We make the following Statement of Fact:

1. The information set forth in this Application is true and accurate.
2. I/We agree to comply with all By-Laws and Regulations of the Municipality of West Elgin, it being expressly understood that receipt of a permit does not relieve the owner from complying with all said By-Laws or Regulations. I/We further agree that, if the permit is revoked for any cause of non-conformance of the said By-Laws or Regulations that, in consideration of the issue of the permit, all claims are waived arising therefrom against the Municipality of West Elgin.
3. I/We understand that making a false Statement of Fact may result in the Application for a permit being refused.

This Statement of Fact was made before me on _____, 20__.

Witness: _____
Name

Applicant: _____

Address

Applicant: _____

Telephone

For Municipal Use Only:

1. Animal Control Officer:
Inspection Completed (New Permit): _____
(Date)

New/Renewal Comments:

Permit Recommended? Yes () No ()

(Animal Control Officer) (Date)

2. Planner:
Property Zoning: _____ Compliant: Yes () No ()

(Planner) (Date)

3. Building Department:
Building Permit Required (based on submitted drawing): Yes () No ()

Comments: _____

(Chief Building Official) (Date)

Permit issued: _____
(Date) (Issued By)



Schedule "B"

The Municipality of West Elgin

22413 Hoskins Line, Box 490, Rodney Ontario N0L 2C0

Kennel Inspection Checklist

Kennel Name: _____

Owner Name: _____

Address of Kennel: _____

No. of Dogs on Premises (at time of inspection): _____

Maximum Capacity: _____

Housing & Accommodation

Site

A=Acceptable NI=Needs Improvement U=Unacceptable [Check off below:]

Is the site sufficiently isolated to prevent complaints from neighbours? A() NI() U()

Does the kennel site provide adequate space for exercising the breed(s) housed? A() NI() U()

Does the kennel site allow for satisfactory waste disposal? A() NI() U()

Is a fence in place to prevent escapes from the property? A() NI() U()

Construction

A=Acceptable NI=Needs Improvement U=Unacceptable [Check off below:]

Are the walls solidly constructed of impervious material and to a height adequate for sanitary maintenance? A() NI() U()

Are the walls constructed and maintained in a good state of repair; free of cracks, holes, and other damage, to prevent entrance of vermin or insects, or escape of the animals housed therein? A() NI() U()

Are the doors, windows, and frames constructed and maintained, to prevent entrance or harbouring of vermin or insects, or the escape of the animals housed in the facility? A() NI() U()

Is at least one door of sufficient size to allow for equipment to be removed for sanitation, if removal is necessary? A() NI() U()

Is the building adequately insulated to maintain a temperature at acceptable levels? A() NI() U()

Are the effects of direct sunlight prevented? A() NI() U()

Are the roofs and ceilings maintained in a good state of repair? A() NI() U()

Are the floors constructed of hard, durable material that is impervious to water and easily sanitized? A() NI() U()

Do the floors slope and drain in such a manner that the runs, kennels, and alleys remain relatively dry? A() NI() U()

Are the floors and walls built in such a manner that feces and urine are prevented from entering other pens or cages? A() NI() U()

Is the air fresh? A() NI() U()

Is there adequate lighting in all kennel areas? A() NI() U()

Cages, Pens, and Enclosures

A=Acceptable NI=Needs Improvement U=Unacceptable [Check off below:]

Indoor Housing

Do the cages permit each animal to: A() NI() U()

- Stand normally, to its full height;
- Lie down, in a fully extended position;
- Turn around easily; and
- Permit human interaction.

Are the cages solidly constructed, to prevent escape and injuries? A() NI() U()

*Do all cages have solid floors? A() NI() U()

Are the cages constructed of materials and designed to be easily A() NI() U()

cleaned and sanitized?

Are the pens or runs solidly constructed, to prevent escapes or injury? A() NI() U()

*Housing with wire floors is an unacceptable method of containing dogs. Their feet are subjected to constant trauma from wire cuts, and calluses and bone deformities may develop from inadequate footing. As well, wire flooring results in a lack of definition between eating, drinking, sleeping and elimination areas, and can result in the breakdown of the dog's natural instinct not to soil its "den". This can result in future house training problems. (Page 11, *Canadian Kennel Code 2007*)

Food & Water

A=Acceptable NI=Needs Improvement U=Unacceptable [Check off below:]

Are rations suitable for the various types of animals on the premises? A() NI() U()

Is food stored in vermin proof containers, and properly marked? A() NI() U()

Is a source of clean, potable water available at all times, for all cages and runs? A() NI() U()

Do feed and water containers appear to be cleaned on a regular basis? A() NI() U()

Staff & Attendants

A=Acceptable NI=Needs Improvement U=Unacceptable [Check off below:]

Is there sufficient staff to provide proper care for the number of animals on the premises? A() NI() U()

Cleanliness

A=Acceptable NI=Needs Improvement U=Unacceptable [Check off below:]

Are all areas free from objectionable odours? A() NI() U()

Are all areas reasonable clean of urine, feces, and garbage? A() NI() U()

Are appropriate chemicals used for regular sanitation? A() NI() U()

Purebred Stock

A=Acceptable NI=Needs Improvement U=Unacceptable [Check off below:]

Are complete pedigree records kept available on all breeding stock? A() NI() U()

Does the premises meet all municipal permitting requirements? A() NI() U()

Comments (overall assessment): _____

I certify that I have inspected these premises in accordance with the protocol established for the licensing of kennel operations in Ontario.

Inspected by: _____ Signature: _____

Date of Inspection: _____ Phone: _____

Schedule "C"
Potentially Dangerous Dog Designation Order
 Under Municipality of West Elgin By-law No. 2020-_____

Orders Issued To:	Dog Information:
Name:	Name
Address	Tag #
Town/Postal Code	Breed
Phone Number	Colour

On DATE your dog:

- Attacked, bit or caused injury to a person
- Demonstrated a propensity, tendency or disposition to attack, bite or cause injury to a person, or a domestic animal
- Was kept or permitted to be kept in violation of the requirements for a potentially dangerous dog

TAKE NOTICE that, on or hereafter DATE you shall ensure that all conditions checked are met :

- You do not transfer ownership of the dog without first having obtained the written consent of the Pound keeper. In granting or refusing consent, the Pound keeper shall consider the likelihood that all the applicable provisions of the By-law and the *Dog Owners' Liability Act*, including any orders under the Act, will be met;
- Your dog is implanted with a microchip;
- Your dog is sterilized before reaching the age of six months or within 30 days of being designated;
- Your dog has current rabies vaccination and provide proof to animal control officer
- When your dog is not on your premises, your dog is equipped with a muzzle and secured with a leash not exceeding one metre in length in accordance with the following:
 - i. A muzzle shall be securely placed on the dog at all times so that the dog cannot detach bite any person or domestic animal
 - ii. A collar or harness shall be securely place on the dog at all times so that the dog cannot detach the collar or harness;
 - iii. A leash shall be securely attached to a collar or harness at all times so that the dog cannot detach the leash from the collar or harness
 - iv. The dog shall be under the control of some person by means of the leash at all times;
- When the dog is on your premises the dog is:
 - i. When indoors, your dog is securely contained
 - ii. When outdoors, your dog is contained in an enclosure or fenced area or restrained by a chain or other restraint sufficient to prevent the dog from leaving the premises;
- You post in a conspicuous place at the entrance of the owner's premises a clearly visible sign warning of the presence of a dangerous dog.

*As per Animal Control By-law 2020-____ an owner of a dog which has been designated as potentially dangerous or dangerous who wishes to appeal the order or decision may request a hearing by the Council of the Municipality of West Elgin. **Appeals must be received in writing by the Clerk, no later than Fifteen (15) days following the service of this Designation.***

The owner of a dog who has requested a hearing from Council, shall not be required to have their dog implanted with a microchip or sterilized until 30 days following the decision confirming those requirements.

THIS ORDER IS EFFECTIVE IMMEDIATELY. Dated this _____ day of _____, 20____

Animal Control Officer

Served on Owner _____ on _____ at _____
Name date time