

Municipality of Lakeshore

By-law 27-2022

Being a By-law Respecting Animal Care and Control in the Municipality of Lakeshore

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Recitals

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the Municipality of Lakeshore to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 and 8 of subsection 11(2) and paragraph 9 of subsection 11(3) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of Persons and property; and animals;

And whereas subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 11 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a Person to do things respecting the matter, or may provide for a system of licences respecting the matter;

And whereas subsection 103(1) of the *Municipal Act, 2001* provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded animals;

And whereas section 425 of the *Municipal Act, 2001* authorizes the Municipality of Lakeshore to pass by-laws providing that a Person who contravenes a by-law of the Municipality of Lakeshore passed under that Act is guilty of an offence;

And whereas subsection 391(1) of the *Municipal Act, 2001* further authorizes the Municipality of Lakeshore, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

Terminology

1. In this by-law:

"Altered" when used in reference to a Dog means the Dog has been spayed or neutered and "Unaltered" means the Dog has not been spayed or neutered;

"Animal" means any member of the animal kingdom other than a human;

"At Large" in relation to a Dog means:

- (i) somewhere other than the Dog Keeper's Premises or Dwelling Unit, or the Premises or Dwelling Unit of another Person with the consent of that Person; and,
- (ii) not wearing a leash and under the physical control of a Person;

"Attack" in reference to a Dog means aggressive behaviour resulting in unwanted physical contact resulting in harm to a Person or Domestic Animal, such as bleeding, bone breakage, sprains, serious bruising, multiple injuries or damage to clothing and "Attacked" or "Attacking" have similar meanings;

"Bite" means the bruising, breaking, or puncturing of the skin of a Person or Domestic Animal caused by the tooth or teeth of a Dog and "Biting" has a similar meaning;

"By-law Compliance Officer" means a person appointed by the Municipality as a By-law Compliance Officer pursuant to the *Provincial Offences Act*;

"Business Day" means Monday to Friday, except for a Holiday;

"Cat" means any breed of domesticated cat or cross-breed of domesticated cat;

"Clerk" means the clerk of the Municipality appointed pursuant to the *Municipal Act, 2001*;

"Council" means the municipal council of the Municipality of Lakeshore;

"Dangerous Dog" means a Dog determined to be dangerous pursuant to Division 2 of this by-law;

"Dangerous Dog Tag" means a Tag issued by the Licence Issuer as proof of a Dog Licence for a Dangerous Dog;

"Dangerous Dog Warning Sign" means a sign designed, made, and issued by the Licence Issuer;

"Dog" means any breed of domesticated canine or crossbreed of a domesticated canine;

"Dog Licence" means a Licence issued pursuant to Division 2 and includes a renewal Dog Licence;

"Domestic" when referring to an Animal refers to a pet which is generally understood to be domesticated;

"Dwelling Unit" means one or more habitable rooms, each of which is accessible from the others and which function as an independent or separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building;

"Fee" means a fee prescribed in the User Fee Bylaw;

“Hearing Committee” means a committee appointed by Council to which Council has delegated the authority to handle appeals pursuant to this by-law;

“Holiday” means a Statutory or civic holiday;

"Keep" means to own, harbour, possess or have control over, whether temporary or permanent, and “Keeper”, “Keeping” or "Kept" have similar meanings, and “Keeper” in relation to a Person that is a minor under the age of 18 years and owns, harbours, possesses, or has control over and if the Person is a minor under the age of 18 years the Person responsible for the custody of the minor;

“Kennel” means any building or structure, or part thereof used or intended for use for the purpose of breeding, boarding or raising three or more Dogs;

“Kennel Licence” means a licence issued to operate a Kennel pursuant to Division 7, and includes a renewal licence;

"Leash" means a restraining device not exceeding 1 metre in length in the case of a Dog found to be a Dangerous Dog under this by-law and, otherwise, not exceeding 2 metres in length which is attached to the collar or harness worn by a Dog and of sufficient strength to restrain the Dog;

"Licence Issuer" means the Person appointed as the Clerk and includes their authorized designate or designates with respect to any authority delegated by the Licence Issuer to such designate;

“Livestock” has the same meaning as in the Zoning By-law;

"Microchip" means an approved Canadian Standard encoded identification device implanted into a Dog which is programmed to store a unique and permanent identification number that permits access to Keeper information which is stored in a central data base accessible to the Licence Issuer and "Microchipped" when used in reference to a Dog means a Microchip has been implanted into the Dog;

“Municipality” means the Municipality of Lakeshore, or the geographic area of the Municipality of Lakeshore, depending on the context;

"Muzzle" means a humane fastening or covering device that is strong enough and fitted to prevent the Dog from Biting, without interfering with the breathing, panting or vision of the Dog or with the Dog's ability to drink and "Muzzling" means to cause the Dog to wear a Muzzle and "Muzzled" means the Dog is wearing a Muzzle;

“Off-Leash Dog Park” means an area designated as a leash free area by Municipal by-law where a Dog with a valid Dog Licence Dog Licence is permitted to allow the Dog to be off Leash;

"Person" includes an individual, a corporation, a partnership, and an unincorporated association, as the context requires;

"Police" means the police force contracted to provide local policing for the Municipality pursuant to the *Police Services Act*;

"Police Dog" means a Dog trained to aid police officers or peace officers and used by police officers or peace officers in the execution of their duties;

"Pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to this by-law or the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16;

"Pound Operator" means the operator of a Pound;

"Premises" means a building or part of a building and any land appurtenant to the building or part of the building and includes a vacant lot;

"Raptors" means a carnivorous medium- to large-sized bird that has a hooked beak and large sharp talons and that feeds wholly or chiefly on meat taken by hunting or on carrion and includes an eagle, hawk, falcon and owl;

"Rear Yard" has the same meaning as "Rear Yard" in the Zoning By-law;

"Redemption Period" means three days, excluding the day on which the Animal was impounded and Holidays shall not be included;

"Rescue Group" means a not-for-profit or charitable organization for which the mandate is predominantly the rescue and placement of Dogs and facilitating the Altering of Dogs for Animal welfare purposes and premises utilized by the Windsor-Essex County Humane Society;

Rodentia means an order of the division Eutheria comprising relatively small gnawing mammals having a single pair of incisors in each jaw that grow from persistent pulps and bear enamel chiefly in front to produce a chisel-shaped edge and includes a porcupine, prairie dog, nutria and chinchilla;

"Service Animal" means an Animal

- (i) that can be readily identified as one that is being used by a Person for reasons relating to the Person's disability, as a result of visual indicators such as the vest or harness worn by the Animal, or
- (ii) required by a Person with a disability for assistance

and the Person has documentation from one of the following regulated health professionals confirming that the Person requires the Animal for reasons relating to their disability:

- (a) A member of the College of Audiologists and Speech-Language Pathologists of Ontario;
- (b) A member of the College of Chiropractors of Ontario;
- (c) A member of the College of Nurses of Ontario;
- (d) A member of the College of Occupational Therapists of Ontario;
- (e) A member of the College of Optometrists of Ontario;
- (f) A member of the College of Physicians and Surgeons of Ontario;
- (g) A member of the College of Physiotherapists of Ontario;
- (h) A member of the College of Psychologists of Ontario; and,
- (i) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario;

“Squamata” means an order of reptiles comprising of snakes and lizards;

“Standards of Care” means the Standards of Care described in Schedule “A”;

"Tag" means an identification tag issued by the Licence Issuer as proof of a Dog Licence;

“User Fee By-law” means the Municipality’s By-law to Establish User Fees for Certain Services Provided by the Municipality; and,

“Zoning By-law” means the Municipality’s Comprehensive Zoning By-law 2-2012.

Application

2. The provisions of this by-law apply to the entire geographic area of the Municipality.
3. The requirements of this by-law are in addition to requirements contained in any other applicable by-laws of the Municipality or applicable provincial or federal statutes or regulations.
4. In the event that any set-back requirements in this by-law are inconsistent with the requirements set out in the Zoning By-law, the requirements of the by-law which are more onerous shall prevail.
5. If there is a conflict between a provision of this by-law and any other by-law of the Municipality or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of animals prevails.
6. (1) The provisions of this by-law do not apply to:
 - (a) the Premises of a Pound except insofar as the Pound is referred to in particular;

- (b) Premises used by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society;
- (c) a supply facility Licenced in accordance with the *Animals for Research Act*;
- (d) a research facility registered in accordance with the *Animals for Research Act*;
- (e) an animal hospital or clinic operated and supervised by a veterinarian who has a licence to practise veterinary medicine issued under the *Veterinarians Act*;
- (f) a university or college;
- (g) any display held by an agricultural or horticultural organization incorporated under the *Agricultural and Horticultural Organizations Act* including but not limited to a fair, exhibition or competition held by the Comber Agricultural Society;
- (h) a temporary public display of animals including a circus, carnival or classroom display;
- (i) the Keeping of bees; and,
- (j) the Premises of slaughterhouses licenced pursuant to the *Meat Inspection Act (Ontario)*, R.S.O. 1990, c. M.5.

Interpretation

7. (1) The following rules of interpretation shall be applied to interpretation of this by-law:
- (a) References to items in the plural include the singular, as applicable. "Their" may refer to both the singular and the plural and includes references to a Person or thing that is feminine, masculine or non-binary.
 - (b) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
 - (c) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
 - (d) Specific references to laws or by-laws are meant to refer to the current laws applicable at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
 - (e) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first Business Day after a Sunday or a Holiday if the expiration of the time period occurs on a Sunday or Holiday.

- (f) The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- (g) Where this by-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may be provided but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.
- (h) Terms with capitals shall be read with the meaning in section 1 and other words shall be given their ordinary meaning.
- (i) Nothing in this by-law shall give any Person any right to Keep any Animal where it is not permitted by:
 - (1) a Zoning By-law regulating the Premises on which the Animals are Kept;
or,
 - (2) federal or provincial statute or regulation thereunder.
- (j) If any court of competent jurisdiction finds any provision of this by-law is illegal or *ultra vires* of the jurisdiction of the Municipality, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- (k) Nothing in this by-law relieves any Person from complying with any provision of any federal or provincial legislation or any other by-law of the Municipality.
- (l) Where a provision of this by-law conflicts with the provisions of another by-law in force in the Municipality, or any of the provisions of any federal or provincial states or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Part 1: Dogs and Cats

- 8. (1) No Person shall Keep a Dog except in accordance with Part 1 of this by-law.
(2) No Person shall Keep a Cat except in accordance with Part 1 of this by-law.

Division 1: Care of Dogs

Standards of Care for Dogs

- 9. (1) Every Keeper of a Dog shall ensure that they comply with the Standards of Care and this by-law.

Tethered Dogs

10. (1) Every Person that tethers a Dog shall ensure that the tether:

- (a) must be at least three metres long;
 - (b) must allow the Dog to move safely and unrestricted, except by its length; and
 - (c) must allow the Dog to have access to adequate and appropriate water and shelter.
- (2) the Tether does not permit the Dog to go beyond the property line of the Premises on which the Dog is Tethered;
- (3) the Dog is tethered for no more than a total of four hours in any one consecutive 24-hour period.

Dogs in Vehicles

11. (1) Subject to subsection (2), no Person shall allow a Dog to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.

(2) A Person may allow a Dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck if the Dog is:

- (a) in a fully-enclosed trailer;
- (b) in a topper enclosing the bed area of a truck;
- (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
- (d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach beyond the outside edges of the vehicle.

12. (1) No Person shall leave a Dog unattended in a motor vehicle if the weather conditions are not suitable for containment of a Dog.

Division 2: Dog Licencing Licence Requirement

13. (1) No Person shall Keep a Dog without a current, valid Dog Licence.

(2) Despite subsection (1), no Licence for a Dog shall be required for:

- (a) a Dog which has not been weaned and which is under the age of 12 weeks; or
 - (b) a Dog which is temporarily Kept at a Kennel, if the Dog, when not being Kept at the Kennel, is Kept at Premises located outside of the Municipality.
14. (1) In addition to the requirements of Division 2, an applicant for a Dog Licence or renewal of a Dog Licence shall file with the Licence Issuer:
- (a) evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has a current and effective rabies vaccination;
 - (b) where applicable, evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has been Altered;
 - (c) where applicable, evidence satisfactory to the Licence Issuer that that the Dog forming the subject of the application is a Service Dog or a Police Dog;
 - (d) where applicable, evidence satisfactory to the Licence Issuer that a Rescue Group is the applicant; and
 - (e) where a Dog has been found to be a Dangerous Dog, evidence satisfactory to the Licence Issuer that the Keeper is compliant with the requirements of sections 34 to 39.

Dog to Wear Tag

15. (1) Every Keeper shall ensure that the Tag corresponding to the Licence issued for their Dog is attached to the Dog at all times.
- (2) Despite subsection (1), the Keeper is not required to ensure that the Dog Tag remains securely attached to a Dog if:
- (a) the Dog is on the Premises of its Keeper;
 - (b) a veterinarian has determined it is necessary to remove the Dog Tag for medical treatment of that Dog and evidence of such requirement is produced upon request of a By-law Compliance Officer; and
 - (c) the Dog is a Police Dog while the Police Dog is working.
- (3) No Person shall remove a Tag from a Dog without the consent of the Dog Keeper.
- (4) No Person shall attach a Tag to a Dog other than the Dog for which the Licence was provided.
- (5) No Keeper shall cause, allow or permit the Keeper's Dog to have a Tag attached to it other than the Tag provided for that Dog.

16. (1) Every Tag issued by the Licence Issuer remains the property of the Municipality and shall be surrendered upon request of the Licence Issuer or a By-law Compliance Officer after:

- (a) the death of the Dog to which the Tag corresponds;
- (b) a transfer of the Dog from one Keeper to another Person; or
- (c) the revocation of the Licence for a Dog for which the Tag was issued.

Application for Licence & Renewal of Licence

17. (1) An applicant for a Licence or renewal of a Licence under this by-law shall file with or provide to the Licence Issuer:

- (a) an application in the form established by the Licence Issuer from time to time;
- (b) evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has a current and effective rabies vaccination;
- (c) where applicable, evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has been Altered;
- (d) where applicable, evidence satisfactory to the Licence Issuer that that the Dog forming the subject of the application is a Service Dog or a Police Dog;
- (e) where a Dog has been found to be a Dangerous Dog, evidence satisfactory to the Licence Issuer that the Keeper has complied with sections 34 to 39; and,
- (f) payment of any Fees required pursuant to the User Fee By-law.

18. (1) Despite paragraph 1(f), a Fee for an application for a Licence or renewal is not required where the application for a Licence or a renewal is submitted:

- (a) by a Rescue Group for a Licence for a Dog; or,
- (b) for a Licence for a Service Dog or a Police Dog.

(2) No application Fee shall be refundable for any reason.

19. (1) Subject to any provision to the contrary, if an application satisfies the requirements of this by-law, the Licence Issuer may issue to the applicant, a Licence and Tag for the Dog that is the subject of the application.

Refusal to Issue Licence

20. (1) The Licence Issuer shall refuse to issue or renew a Licence for a Dog where the Licence Issuer is not satisfied that:

- (a) the Dog has a current rabies vaccination;
- (b) the applicant is 18 years of age or older;
- (c) the application is complete and applicable Fees have been paid; or
- (d) in the case of a Dangerous Dog, the Keeper does not provide proof of compliance with sections 34 to 39.

Expiry of Licence

21. (1) A Licence for a Dog shall expire upon the earliest of:

- (a) the transfer of the Dog from one Keeper to another Person;
- (b) the death of the Dog; and,
- (c) the date set out in the Licence as the expiry date.

Revocation of Licence

22. (1) The Licence Issuer shall have the right to revoke the Dog Licence in the event that:

- (a) the Dog Licence was issued in error or as a result of false information provided in the application;
- (b) the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or,
- (c) in the case of a Dog found to be a Dangerous Dog, the insurance required pursuant to section 39 expires or is cancelled or terminated for any reason, without being replaced.

Replace Lost Tag

23. (1) The Licence Issuer shall provide a replacement Tag to the Keeper of a Licenced Dog upon:

- (a) application in writing by the Keeper in the form established by the Licence Issuer that a replacement Tag is required; and,
- (b) payment of the applicable Fee.

Change in Information

24. (1) Except as provided to the contrary in section 17, the Keeper of a Licenced Dog shall advise the Licence Issuer in writing within 7 days of:

(a) a change in any information provided in the most recent application for a Licence or renewal of a Licence;

(b) the death of the Dog; and

(c) the sale or other transfer of the Dog.

(2) Every Keeper of a Dog which is Microchipped shall maintain the currency of the information recorded on the Microchip.

Division 3: Control of Dogs

Number of Dogs

25. (1) Unless licenced as a Dog Kennel pursuant to this by-law, No Person shall Keep in or about any Dwelling Unit or Premises more than three Dogs.

(2) The total number of Dogs shall not include any Dog under the age of 12 weeks.

(3) Despite subsection (1), any Person who, on the date of the passage of this by-law, was lawfully Keeping more than the total number of Dogs stated in subsection (1) may keep the any Dogs over the total number of Dogs permitted until they have died or are otherwise disposed.

(4) The onus shall be on the Person claiming an exemption from subsection (2) to satisfy the By-law Compliance Officer of the Person's entitlement to the exemption.

26. (1) Despite section 25, an authorized Person affiliated with a Rescue Group may Keep up to six Dogs in or about any Dwelling Unit or Premises provided that the Keeping of more than three Dogs lasts no more than 48 hours in any 90-day period.

(2) The onus shall be on the Person claiming an exemption from subsection (1) to satisfy the By-law Compliance Officer of the Person's entitlement to an exemption.

27. (1) No Keeper of a Dog shall cause, allow or permit their Dog to be At Large.

(2) Despite subsection (1), a Licenced Dog shall not be At Large if it is:

(a) within an Off-Leash Dog Park; or

(b) a Police Dog and is performing the duties for which it was trained.

Abandonment

28. (1) No Person shall leave a Dog in or about any municipal Premises without making provision for its continued care.

Control of Dogs Outdoors but Not At Large

29. (1) Every owner of a Premises that allows or permits a Dog to be outdoors shall ensure that the Dog is:

(a) confined to a pen or other enclosed structure or area, including an area enclosed by electronic fencing known as underground fencing;

(b) Tethered by a Tether no less than 3 metres in length and which does not permit the Dog to go beyond the property line of the Premises on which the Dog is Tethered; or

(c) under the control of a Person so as to prevent the Dog from leaving the Premises.

(2) For the purposes of subsection (1), the owner of the Premises on which the Dog is found shall be deemed to have allowed or permitted the Dog to be outdoors on that Premises.

(3) A Premises owner may be exempt from subsection (1), if the Dog is on Premises designated as Agricultural in the Zoning By-law that are more than 0.5 hectares in size and the Dog is sufficiently trained so as to remain on the Premises.

Not to Use Dog to Attack or Menace

30. (1) No Person shall cause, use or direct a Dog to Attack, Bite, chase, harass or threaten a Person or Domestic Animal.

(2) No Keeper of a Dog shall cause, allow or permit their Dog to behave in a manner that poses a menace to the safety of a Person or domestic Animal.

Not Torment Dog

31. (1) No Person shall tease, torment or annoy any Dog.

Remove Excrement

32. (1) Every Dog Keeper shall immediately remove excrement deposited by their Dog on municipal property and dispose of the excrement in a sanitary manner.

(2) Subsection (1) does not apply to a Keeper of a Dog where the Keeper is unable to remove the excrement due to a physical disability or a visual impairment.

Division 4: Dangerous Dogs

Investigation

33. (1) The Licence Issuer may conduct an investigation to determine if a Dog should be found to be a Dangerous Dog, where the By-law Compliance Officer receives:
- (a) a written complaint, signed by the complainant, that a Dog has Attacked or Bitten a Person or Domestic Animal without provocation or mitigating factors;
 - (b) particulars of the name and address of the Keeper of the Dog or adequate information to ascertain the Keeper of the Dog which is the subject of the complaint; and
 - (c) particulars of the incident or incidents giving rise to the complaint.
- (2) Where a form for such complaints has been established by the Licence Issuer, the prescribed form shall be used.
- (3) The Licence Issuer may decline to investigate a complaint received more than 72 hours after the Bite or Attack.
- (4) In conducting the investigation and making a determination of whether a Dog should be found to be a Dangerous Dog, a Licence Issuer shall consider all of the circumstances known to the Licence Issuer, including without limitation:
- (a) the severity of the Attack or Bite and any resulting injuries;
 - (b) any prior record of the Dog having Bitten or Attacked;
 - (c) the circumstances leading to the Bite or Attack and the location of the Dog at the time;
 - (i) the Dog acting in defence to a Bite or Attack by or menacing actions by a Person or Animal, whether or not such attack was directed towards the Dog in question;
 - (ii) the Dog acting in defence of its young;
 - (iii) the Dog reacting to a Person or a Domestic Animal trespassing on or entering on the Premises where the Dog was situated; or
 - (iv) the Dog being teased, provoked or tormented.
- (5) Where, after the investigation, the Licence Issuer is of the opinion that it is appropriate to do so, the Licence Issuer may make a finding that the Dog is a Dangerous Dog.

Dangerous Dog Determination

34. (1) Where the Licence Issuer finds that a Dog is a Dangerous Dog, the Licence Issuer shall issue an order declaring the Dog a Dangerous Dog.

(2) The Licence Issuer may prescribe any such other conditions as the Licence Issuer deems appropriate to protect the health and safety, including but not limited to:

(a) prohibiting the Dangerous Dog from attending any or all Off-Leash Dog Parks or municipal lands;

(b) restricting the movement of the Dangerous Dog from certain areas or locations;

(c) requiring the Dangerous Dog to wear a Dangerous Dog Tag; and

(d) such other conditions as the Licence Issuer may deem appropriate.

(3) The Licence Issuer shall serve the Dangerous Dog Keeper with notice of the order and advise the Keeper of the following:

(a) the right of appeal of the order;

(b) the requirement to comply with sections 34 to 39 and any additional conditions imposed by the Licence Issuer; and,

(c) that the finding that the Dog is a Dangerous Dog shall continue in effect unless the Hearing Committee finds to the contrary.

Dangerous Dog Conditions

35. (1) Every Dangerous Dog Keeper shall comply with such other conditions as may be prescribed by the Licence Issuer.

36. (1) Every Dangerous Dog Keeper shall immediately and at all times, display a Dangerous Dog Warning Sign in such a manner that:

(a) it is displayed at the edge of the Premises or at the entrance to the Dwelling Unit where the Keeper keeps the Dangerous Dog so that is clearly visible to a Person approaching the entrance to the Dwelling Unit or Premises;

(b) it is erected or placed in a manner that cannot be easily removed by a passerby; and

(c) the Dangerous Dog Warning Sign is replaced from time to time in the event that the Sign is removed, defaced, lost or otherwise becomes illegible.

(2) A Keeper required to display a Dangerous Dog Warning Sign shall purchase the Sign from the Licence Issuer at the applicable Fee.

(3) No Person shall remove a Dangerous Dog Warning Sign required to be displayed pursuant to this by-law.

37. (1) Every Keeper of a Dangerous Dog shall ensure that at all times when the Dog is on the Keeper's Premises, the Dog is:

(a) securely confined inside the Keeper's Dwelling Unit; or

(b) if outside the Keeper's Dwelling Unit, Dog is securely confined within a pen or other enclosed structure constructed so as to prevent the Dog from leaving the premise and that is constructed in a manner such that the Dog is unable to come into contact with Persons or other Domestic Animals.

(2) For the purposes of this section, secure confinement does not include underground fencing.

38. (1) Every Keeper of a Dangerous Dog shall ensure that at all times when the Dog is not on the Keeper's Premises, the Dog is:

(a) Muzzled;

(b) Securely fitted with a collar or harness in a manner such that the Dog cannot detach from the collar or harness;

(c) Leashed securely to a collar or harness at all times in a manner such that the Dog cannot detach the Leash from the collar or harness with the Leash held by a Person who has the strength to control the Dog so as to not permit or allow unwanted contact with another Person or a Domestic Animal.

39. (1) Within 14 days of receipt of service of an order issued pursuant to section 34, every Keeper of a Dangerous Dog shall:

(a) provide evidence to the Licence Issuer that the Dog has a Microchip;

(b) obtain and maintain a policy of liability insurance with an insurer licenced to operate in Ontario providing:

(i) coverage in an amount not less than two million dollars per occurrence for losses arising from injuries caused by the Dog,

(ii) that the Municipality shall be notified in writing 30 days or more prior to any cancellation, termination or expiry of the policy, and

(iii) adding the Municipality as an additional named insured; and,

(c) provide proof of the insurance required in subsection (2) to the Licence Issuer.

(2) Prior to any sale or other transfer or change of a Dangerous Dog or change of residence of a Dangerous Dog, a Keeper shall provide the Licence Issuer with the new physical address of the Dangerous Dog and, if any, the telephone number and other contact information of the Dangerous Dog's new Keeper.

Appeal of Order

40. (1) Every Person who is served with an order under this by-law shall comply with the requirements of the order within the time period specified in the order, unless the Person files an appeal with the Clerk within 10 Business Days of the effective date of service of the order.

(2) An appeal shall be filed only if filed in the form and with the information required by the Clerk and, if filed with the applicable Fee.

(3) In the event that the Clerk determines that the appeal is not filed as required in subsections (1) or (2), the Clerk shall decline the request for a hearing.

(4) A request of the Keeper of a Dog for a hearing under this section does not act as a stay of the muzzling requirement.

Hearing Date

41. (1) If a request is compliant with this by-law, the Clerk shall set a date, time and place for a hearing before the Hearing Committee and give notice of the date, time and place of the hearing to the applicant by mail, addressed to the applicant at the address set out in the application and service of the notice of hearing shall be deemed effective on the third day after mailing, whether or not it is actually received.

Hearing

42. (1) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Committee, the Hearing Committee may hear and view any evidence provided by the Licence Issuer and appellant and may:

(a) reverse the order;

(b) uphold the order; or,

(c) modify any or all of the conditions of the order.

(2) The decision of the Hearing Committee is final.

(3) The appellant bears the onus of providing evidence satisfactory to the Hearing Committee that the relief being sought should be granted.

(4) Upon the Hearing Committee reaching a decision, the Clerk shall serve notice of the decision in writing to the appellant at the address for the applicant set out in the appeal form.

Division 5: Seizure and Impoundment of Dogs

Seizure and Impoundment

43. (1) A By-law Compliance Officer may seize any Dog found At Large.

(2) A By-law Compliance Officer may, in their sole discretion, deliver a seized Licenced Dog to its Keeper without impounding the Licenced Dog, provided:

(a) the By-law Compliance Officer is able to contact the Keeper and make satisfactory arrangements for return of the Licenced Dog; and

(b) the By-law Compliance Officer does not have a record of the Licenced Dog having been seized in the prior 12 months.

(3) Except as provided to the contrary in subsection (2), a Dog seized under subsection (1) shall be considered impounded at the time and place it is seized by the By-law Compliance Officer and may be delivered to the Pound Operator.

(4) The Keeper of a Dog impounded for being At Large shall be entitled to claim the Dog within the Redemption Period.

(5) Where a Dog that is impounded is not claimed by its Keeper within the Redemption Period, the Pound Operator may retain the Dog for such further time as they may consider proper and may:

(a) dispose of the Dog in accordance with the *Animals for Research Act*;

(b) transfer the Dog to the Windsor/Essex County Humane Society; or

(c) transfer the Dog to a Rescue Group.

(6) A Person that knowingly leaves a Dog at the Pound for longer than the Redemption Period shall be deemed to have surrendered the Dog.

(7) Where a Dog is impounded and a veterinarian deems it necessary to destroy the Dog without delay for humane reasons or for reasons of safety to Persons or Domestic Animals, a veterinarian may euthanize the Dog, and may do so without permitting any Person to reclaim the Dog.

(8) Where a Dog is impounded, and the services of a veterinarian are secured by the Pound Operator for the Dog, the Keeper shall pay to the Pound Operator all applicable Fees, whether the Dog is alive or dies.

(9) Where, in the opinion of a By-law Compliance Officer, a Dog cannot be captured and the safety of Persons or Domestic Animals are endangered, a Police Officer or other trained Person appointed by a By-law Compliance Officer, may euthanize the Dog and no damages or compensation shall be recovered by the Dog Keeper for the destruction.

(10) No compensation, damages, fees or any other sum of money paid by a Person on account of or by reason of the impoundment, euthanization or other disposal of a Dog in the course of the administration and enforcement of this by-law shall be recovered by any Keeper or other Person from the Municipality or the Pound Operator.

Division 6: Number of Cats in Dwelling or on Premises

44. (1) No Person shall Keep in or about any Dwelling Unit or Premises more than three Cats.

(2) The total number of Cats shall not include any Cat under the age of twelve weeks.

(3) Notwithstanding subsection (1), any Person who, on the date of the passage of this by-law, was lawfully Keeping more than the total number of Cats stated in subsection (1) may keep any Cats over the total number of Cats permitted until they have died or are otherwise disposed.

(4) The onus shall be on the Keeper of the Cat claiming an exemption from subsection (3) to satisfy the By-law Compliance Officer of the Keeper's entitlement to the exemption.

Division 7: Dog Kennels

Requirement for a Licence

45. (1) No Person shall operate a Kennel without a current, valid Kennel Licence.

46. (1) No Person shall operate a Kennel on a property that is not designated in the Zoning By-law to permit a Kennel in the Zoning By-law.

47. (1) Every Person operating a Kennel shall ensure that the Kennel is operated in accordance with the applicable Standards of Care.

Licence Application

48. (1) In addition to the requirements in Division 2, an applicant for a Kennel Licence or renewal of a Kennel Licence shall file with the Licence Issuer proof of membership in good standing with the Canadian Kennel Club.

Refusal to Issue Licence

49. (1) The Licence Issuer shall refuse to issue or renew a Kennel Licence where the Licence Issuer is not satisfied that:

- (a) the application does not comply with Division 2;
- (b) the applicant is in good standing with the Canadian Kennel Club;
- (c) the application is complete and applicable Fees have been paid; or
- (d) after inspection by a By-law Compliance Officer, the Kennel is found not to be in compliance with this by-law.

Expiry of Licence

50. (1) A Kennel Licence shall expire upon the earliest of:

- (a) the date that the Person operating the Kennel ceases to operate the Kennel; or,
- (b) the date set out in the Licence as the expiry date.

Revocation of Licence

51. (1) The Licence Issuer may revoke a Kennel Licence in the event that:

- (a) the Kennel Licence was issued in error or as a result of false information provided in the application;
- (b) the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or,
- (c) the Person operating the Kennel:
 - (i) after inspection by a By-law Compliance Officer, fails to satisfy the Standards of Care on more than 3 occasions in a 2-year period; or
 - (ii) is convicted of an offence under this by-law.

(2) In the event that a Person's licence is revoked pursuant to subsection (1), that Person shall not make application for a Kennel Licence on any Premises earlier than 1 year following the date of revocation.

Part 2: Keeping of Animals

Keeping of Specific Animals

52. (1) No Person shall Keep an Animal except in accordance with this by-law.

(2) Despite subsection (1), a Person may Keep Livestock if Kept on Premises designated Agricultural in the Zoning By-law.

(3) Despite subsection (1), a Person may Keep the following:

(a) a rabbit, mink or ferret;

(a) an Animal in the Raptor species, if the Keeper is licenced to practice falconry in the Province of Ontario;

(b) an Animal in the Rodentia species, if:

(i) the Animal will not weigh more than 1,500 grams at any time in its life; and,

(ii) the Animal is derived from a self-sustaining captive population;

(c) an Animal in the Squamata species, if:

(i) the Animal is a snake or a lizard;

(iii) in the case of a snake, it will not exceed 3 metres in length from nose to tip of tail at any time in its life; and

(iv) in the case of a lizard, it will not exceed 2 metres in length from nose to tip of tail at any time in its life.

(4) Despite anything to the contrary in this by-law, no Person shall do any of the following:

(a) Keep any insect, spider, Rodentia, or Squamata, except in an escape-proof enclosure;

(b) Keep any Animal that produces any poison, venom or toxin; and

(c) Keep more than 3 of any combination of the Animals described in this section.

Animal Excrement

53. (1) Every Keeper of an Animal shall be responsible to ensure that the property upon which the Animal or Animals are Kept is maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle which will not create a nuisance or a health hazard.

Part 3: Inspection and Enforcement

Inspection Powers

54. (1) A By-law Compliance Officer may:

(a) at any reasonable time, enter onto land for the purpose of carrying out an inspection for the purpose of determining compliance with this by-law or the *Municipal Act, 2001*;

(b) during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;

(c) during an inspection require information from any Person concerning a matter related to the inspection;

(d) during an inspection be accompanied by a Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this by-law;

(e) conduct or direct a Person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the By-law Compliance Officer believes necessary for the purposes of inspection;

(f) conduct inspections prior to a determination as to whether to issue a licence or to confirm compliance with a Licence or conditions of a Licence; and

(g) require that a Licence holder or Keeper provide any such information as may be required for the enforcement of this by-law.

55. (1) In addition to any other provision of this by-law, and subject to the provisions of the *Municipal Act, 2001*, a provincial judge or justice of the peace may issue an order authorizing a By-law Compliance Officer and any Person under the Officer's direction to enter onto or into any Premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this by-law, a Licence issued under this by-law, or an order made under section 431 of the *Municipal Act, 2001* in relation to the subject matter of this by-law.

56. (1) No Person shall refuse or neglect to produce for inspection any document or thing required by a By-law Compliance Officer pursuant to this by-law.

Enforcement

Prohibition

57. (1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.

(2) No Person shall omit information or provide a false or intentionally misleading statement or representation in any application, agreement, investigation or inspection.

Order to Comply

58. (1) Where a By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, an order may be made requiring the Person who contravened this by-law or who caused or permitted the contravention to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) any work to be done or steps to be taken to comply with this by-law;
- (d) the date by which the work must be done or steps taken; and
- (e) provide that if any work specified is not completed by the date specified to the satisfaction of the By-law Compliance Officer, that the By-law Compliance Officer may cause the work to be done at the expense of the owner of the Premises.

(2) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, an order pursuant to subsection (1) may require the work to be done even though the facts which constitute the contravention of the by-law were present before this by-law making them a contravention came into force.

Offence

59. (1) Any Person who contravenes any provision of this by-law, a Licence, a condition to a Licence, or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time. A Person found guilty shall be liable upon conviction:

- (a) to a minimum fine of \$500 and a maximum fine of \$100,000 for a first conviction;
- (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500 and a maximum fine of \$10,000 with the total of all daily fines not exceeding \$100,000; and,

(c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of all daily fines not exceeding \$100,000.

(2) An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the *Municipal Act, 2001*.

(3) Any director, employee or officer of a corporation who knowingly authorizes, permits or acquiesces in the contravention of this by-law, a Licence, a condition to a Licence, or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*.

(4) For the purposes of subsections (1) and (2), each day on which a Person, includes a director or officer of a contravention, contravenes any of the provisions of this by-law shall be deemed to constitute a separate offence under this by-law.

(5) The levying and payment of any fine as provided for under *the Provincial Offences Act* shall not relieve a Person from the necessity of compliance with the obligations under this by-law.

Prohibition Order

60. (1) If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the Court in which the conviction is entered and any court of competent jurisdiction thereafter may make an order:

(a) prohibiting the continuation or repetition of the offence by the Person convicted; and,

(b) requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

Fees and Charges

Attendance Fee

61. (1) A Fee shall be payable for:

(a) an inspection conducted by a By-law Compliance to ascertain compliance with this by-law for the purpose of a Person applying for a licence; and,

(b) for the second and each subsequent inspection conducted by a By-law Compliance Officer to ascertain compliance with a notice, direction or order pursuant to this by-law that is conducted after the specified date for compliance.

Collection of Fees

62. (1) All Fees and charges payable under this by-law are due on demand and are a debt owing to the Municipality bearing interest at the rate established in the User Fee By-law from the date of demand until payment in full. The debt may be enforced by any means available to the Municipality, and without limiting the generality of the foregoing, the debt in the nature of fees may, if applicable, be added to the tax roll of any property for which all of the owners are responsible for payment of the debt, and thereafter collectable as property taxes. All remedies open to the Municipality are cumulative.

(2) All Fees and charges incurred under this by-law are payable whether or not there is a charge laid, and whether or not any charge laid leads to a conviction and whether or not a fine has been paid as a result of a charge being laid.

(3) Fines owing to the Municipality that are in default pursuant to section 69 of the *Provincial Offences Act* shall be added by the Treasurer to the tax roll for any property in the Municipality for which the owner is responsible for paying the fine and the fine may be collected in the same manner as municipal taxes.

Part 4 - General

Administration & Delegation

63. (1) The administration of this by-law is assigned to the Licence Issuer who is delegated the authority to:

(a) make all decisions required of the Licence Issuer under this by-law;

(b) perform all administrative functions assigned under this by-law and those incidental to and necessary for the due administration and implementation of this by-law;

(c) establish and revise from time to time, such forms, documents, and such standards, protocols and procedures as the Licence Issuer may determine are required to implement and administer this by-law;

(d) develop, implement and promote programs and guidelines to encourage responsible ownership, care and control of Dogs and Cats provided that the programs and guidelines are consistent with the spirit of this by-law and within Council approved budgets; and,

(2) The Licence Issuer may delegate the performance of any one or more of his or her functions under this by-law to one or more Persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The Licence Issuer may continue to exercise any function delegated during the delegation.

(3) Unless specifically provided to the contrary in this by-law, the decisions of the Licence Issuer are final and not subject to appeal.

(4) Without limiting the generality of subsection (2), the Licence Issuer may, from time to time enter into agreements, in a form established by the Licence Issuer to authorize Persons who are not Municipality employees to issue Licences on behalf of the Licence Issuer, pursuant to this by-law and subject to the terms and conditions of the Agreement. The Licence Issuer may authorize payment of such Persons of the applicable commission for such service, established by the Licence Issuer from time to time. The Licence Issuer may terminate any such agreement in writing, in accordance with the provisions of the Agreement.

64. (1) This by-law shall be enforced by any By-law Compliance Officer and, where provided in this by-law, the Licence Issuer.

(2) Unless specifically provided to the contrary in this by-law or otherwise at law, the decisions of the Licence Issuer and By-law Compliance Officer are final and not subject to appeal.

65. (1) The Licence Issuer may develop, implement and maintain in force, a program to control or monitor Cats which authorizes participants, in accordance with program guidelines to at their own cost and expense or in accordance with approved budgets to:

(a) trap feral Cats;

(b) cause the trapped feral Cat to be Altered; and,

(c) release the Altered Cat in the same area from which they were captured.

(2) Participation in any program to control or manage feral Cats shall be restricted to Persons approved by the Licence Issuer upon application in writing, in the form established by the Licence issuer, and in accordance with guidelines established by the Licence Issuer in establishing the program. The Licence Issuer may revoke any approval granted.

General Requirements - Licence Application Requirements

66. (1) Every Person applying for a License or renewal of a License under this by-law shall provide to the License Issuer:

(a) an application in the form established by the License Issuer from time to time;

(b) information including, but not limited to, name, date of birth, address where Dog will reside, email address, and phone number;

(c) such information, including evidence in support of the application, as may be deemed necessary by the Licence Issuer to process the application for a Licence; and

(d) except as provided to the contrary in this by-law, payment of the applicable fee for applying for a License.

(2) A Person applying for a licence under this by-law must be a minimum of 18 years in age.

Service of Notices and Orders

67. (1) An order under this by-law shall be deemed to have been served on a Person if:

(a) delivered to the Person Personally;

(b) by sending to the Person by regular mail;

(c) by sending to the Person by registered mail at the last known address of the Person, or by posting in a visible location on the Premises in a manner likely to bring it to the attention of the Person being served.

(2) Service of a notice or order under this by-law shall be effective:

(a) In the case of Personal service, on the date that Personal service is effected;

(b) In the case of regular or registered mail, 4 days following the date of mailing;

(c) In the case of posting, 2 days after the date of posting.

(3) Where the identity of the Dog Keeper is in question, the Licence Issuer or By-law Compliance Officer may:

(a) deem the last known Keeper of a Dog to be the Dog Keeper and serve that Person accordingly; or

(b) at such address as appears to be the address of the Dog Keeper.

Confidential Information

68. (1) Every Person authorized to conduct activities under this by-law is authorized to collect Personal Information for the purposes of administering and enforcing this by-law in accordance with this by-law. Questions regarding collection of personal information may be referred to the Licence Issuer.

(2) All information submitted to and collected by the Municipality in accordance with this by-law shall, unless the Clerk determines otherwise, be available for disclosure to the public in accordance with the MFIPPA.

Transition

69. (1) Any Dog Licence and Tag issued pursuant to By-law 46-2002 shall be continued under this by-law until its expiry on December 31st, 2021, despite the repeal of By-law 46-2002.

(2) An enforcement proceeding commenced under By-laws 46-2002 and 40-2004 shall continue despite the repeal of those by-laws.

Schedules

70. (1) A schedule attached to this by-law form part of this by-law.

Short Title

71. (1) This by-law shall be referred to as the “Animal Care and Control By-law”.

Repeal

72. (1) By-laws 46-2002 and 40-2004 and any amendments to those by-laws are repealed.

(2) Where a by-law is repealed by this by-law, the repeal does not:

(a) revive any by-law not in force or existing at the time of which the repeal takes effect;

(b) affect the previous operation of any by-law so repealed;

(c) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed; or

(d) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Enactment

73. (1) This by-law comes into force and effect on January 1, 2023.

Read and passed in open session on April 26, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

**Schedule “A”
to By-law 27-2022**

Standards of Care

General Standards of Care for Dogs

1. (1) Every Dog must:
 - (a) be provided with adequate and appropriate food and water;
 - (b) be provided with adequate and appropriate medical attention;
 - (c) be provided with the care necessary for its general welfare;
 - (d) be transported in a manner that ensures its physical safety and general welfare;
 - (e) be provided with an adequate and appropriate resting and sleeping area; and
 - (f) be provided with adequate and appropriate:
 - (i) space to enable the Dog to move naturally and to exercise;
 - (ii) sanitary conditions;
 - (iii) ventilation;
 - (iv) light; and
 - (v) protection from the elements, including harmful temperatures.

Standards of Care for Dogs that Live Outdoors

2. (1) Every Dog that lives primarily outdoors must be provided with a structurally sound enclosure for its use at all times.
 - (2) The enclosure must be weather-proofed and insulated.
 - (3) The size and design of the enclosure must be adequate and appropriate for the Dog.

Standards of Care for Dog Enclosures

3. (1) Every Person that confines a Dog to a pen or other enclosed structure or area shall ensure that:
 - (a) the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;

(b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are:

(i) safe and non-toxic for the Dog, and

(ii) of a texture and design that will not bruise, cut or otherwise injure the Dog; and

(c) the pen or other enclosed structure or area must not contain one or more other animal that may pose a danger to the Dog.

4. (1) In addition to the provisions in Section 3.1, every Person that confines a Dog shall ensure that:

(a) the following minimum space requirements are met regarding primary enclosures:

Table 1: Minimum Primary Enclosure Space Requirements

Height of the dog measured at the shoulder (cm)	Area (m²)	Width (m)	Height (m)
70 or greater	15	2.40	1.80
40 to 70	10	1.80	1.80
20 to 40	6	1.40	1.20
5 to 20	4	1	1.20

(b) the minimum primary enclosure space requirements in Section 4.1(a) apply to the keeping of one adult dog. Dams and their puppies up to eight weeks of age must be provided with an additional space of 10% per puppy. If two or more adult dogs are kept in one enclosure, the minimum dimensions for the enclosure specified are increased by 1.5 m² for each dog kept in the enclosure.