

# THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

## BY-LAW NO. 2005-74

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### BEING A BY-LAW FOR REGISTRATION AND CONTROL OF DOGS

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting matters within the spheres of jurisdiction including but not limited to animals;

AND WHEREAS Sections 103 of the Municipal Act provides that a municipality may pass by-laws regarding the impounding of animals;

AND WHEREAS Section 105 of the Municipal Act provides that a municipality may pass by-laws requiring the muzzling of dogs;

AND WHEREAS Section 129(1) of the Municipal Act a municipality may prohibit and regulate noise;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN ENACTS AS FOLLOWS:

#### **PART 1: DEFINITIONS:**

1. In this by-law:
  - 1.1 **"Animal Control Officer(s)"** – shall mean the person who has been duly appointed by the Corporation of the Municipality of West Elgin to enforce this by-law.
  - 1.2 **"Dog"** – means for registration purposes, any dog, male or female, over the age of eight (8) weeks.
  - 1.3 **"Fouling"** – shall be deemed to animal excrement.
  - 1.4 **"Household"** – shall mean those who dwell under the same roof and compose a family, or group of individuals living under one roof.
  - 1.5 **"Kennel"** – shall mean a place where animals may be lodged and cared for, but not including a building used for human habitation; in which purebred dogs 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 to the owner by the Municipality a "kennel permit".
  - 1.6 **"Muzzled"** shall mean a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog; to prevent a dog from biting or attacking a person or domestic animal.
  - 1.7 **"Owner"** – means a person who owns an animal or a person who possesses, keeps or harbours an animal for any period of time, and where the owner is a minor, the person responsible for the custody of the minor.
  - 1.8 **"Pound"** – shall mean the premises approved from time to time by the Council.

- 1.9 **"Poundkeeper"** – shall mean the owner or operator of the pound.
- 1.10 **"Pure-Bred"** – means registered or eligible for registration in the register of the Canadian Kennel Club incorporated, or of a class designated as pure-bred in the regulations prescribed under the Dog Licensing and Live Stock and Poultry Act, R.S.O. 1980 Chapter 123;
- 1.11 **"Running at Large"** – means a dog that is found any place other than the premises of the owner of the animal and not under any control of by any person or not on a leash and under the control of any person.
- 1.12 **"Vicious Dog"** – means a dog which has attacked or bitten a person or another animal or has demonstrated a propensity to do so.

## **PART 2 – KEEPING OF DOGS**

- 2.1 No person shall keep more than three (3) dogs in any one (1) household or on any premises.
- 2.2 Section 2.1 shall not apply to any person keeping a kennel of dogs authorized under Part 6 of this by-law.
- 2.3 No owner shall allow, permit or cause his dog to run at large.
- 2.4 No owner or other person who has a dog under his care and control by means of a leash, shall permit the dog to enter upon private property without the consent of the owner of that property.
- 2.5 No leash shall be longer than three (3) metres in length.
- 2.6 Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by a dog:
- a) On private property, without the consent of the owner of the premises; or
  - b) On municipally owned lands, specifically including roadways and parks.
- 2.7 Any dog found to have bitten a person or another dog or is otherwise termed to be a "vicious" dog, may be given an order to be muzzled when anywhere other than the owner's property. The owner will be held responsible if the order is not adhered to. The order may be given by either the Animal Control Officer, the By-law Enforcement Officer or the OPP.
- 2.8 An owner of a vicious dog shall, at all times:
- a) Keep such dog confined within the premises of the owner's lands or buildings; or
  - b) Keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter while preventing it from escaping there-from and preventing the entry therein of unsupervised children.
  - c) Keep a vicious dog within their full control, muzzled and leashed if not within the confines of the owner's property.
- 2.9 No person shall permit any dog harboured by him/her to bark, howl or otherwise make any noise, which is likely to disturb the inhabitants of the Municipality for a continuous long or incessant period of time. An example of a long or incessant period to time would be something longer than a two hour duration in any one day, or that persists on an on-going basis.

### **PART 3 – REGISTRATION OF DOGS**

- 3.1 Every owner of a dog shall within one month after becoming such owner, cause such a dog to be registered at the municipal office for a period which will expire on the last day of December of the current year.
- 3.2 Every owner of a dog shall cause such a dog to be registered annually on or before March 31<sup>st</sup> of each year.
- 3.3 Upon registration of a dog, each owner shall produce a certificate from a fully qualified Veterinarian that the dog is neutered or spayed.
- 3.4 Each owner of a dog shall have their dog vaccinated against rabies every three years.
- 3.5 Upon payment of the applicable fee, the owner shall be furnished with a dog tag bearing the serial number and the year to which it applies.
- 3.6 The Municipality shall keep a record showing the name and address of the owner, description of the dog and serial number of the tag.
- 3.7 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.
- 3.8 When a tag has been lost, an application shall be made for a replacement tag.
- 3.9 The application for a replacement tag shall be accompanied by proof that the current year's fee has been paid and the applicable replacement tag fee.
- 3.10 Any tag issued under this by-law shall be used only for the dog which the tag is obtained and the tag shall not be transferred to any other dog.

### **PART 4 – IMPOUNDING OF DOGS**

- 4.1 An Animal Control Officer(s) may seize and impound any dog found running at large or contravening any section of this by-law.
- 4.2 Every dog seized shall forthwith be delivered to the Poundkeeper.
- 4.3 The Poundkeeper shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the tag number, if applicable, and the date of disposition and the disposition made.
- 4.4 Possession of the dog may be restored to the owner if the owner claims possession of the dog within three (3) days (exclusive of statutory holidays and Sundays) after the date of seizure or impounding subject to Section 4.6.
- 4.5 A dog so impounded shall be held for a period of three (3) days, exclusive of the day when such an animal was impounded, Sundays and Statutory holidays, and if not claimed and released to the owner within such a period, such dog may then be destroyed or given to the Humane Society.
- 4.6 Any dog so impounded shall not be released until the owner thereof, has paid the pound fees, at the Municipal Office or to the Animal Control Officer.
- 4.7 Where a dog is injured before or after being captured or taken into custody, 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 without permitting any person to reclaim the dog or without offering it for sale, and in that event no damages or compensation shall be recoverable on account of its killing.

4.8 Where a dog is found running at large, contrary to the provisions of this by-law, the Animal Control Officer(s), finding or becoming aware of such running at large, may deliver to the address of the owner of such dog a notice stating:

- a) The name and address of the owner;
- b) The tag number, if any, and a description of the dog;
- c) That the dog was found running at large;
- d) The date, time and location of the alleged offence;
- e) The applicable administration fee.

#### **PART 5 – RABIES CONTROL**

5.1 Where a dog is known to have bitten a person, the Public Health Inspector at the Elgin St. Thomas Health Unit may order the dog to be kept under a supervised quarantine for a period of 10 days, from the date of the biting incident. The Municipality shall be held responsible for the cost of such quarantine when the owner of the dog is not known.

#### **PART 6 – KENNELS**


- 6.1 A separate application shall be made for each kennel on an annual basis, as shown on the attached Schedule A.
- 6.2 No kennel shall be erected, maintained or operated unless a kennel permit has been issued.
- 6.3 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.
- 6.4 Every kennel shall provide adequate, properly-confining and be kept in a clean and sanitary condition free of refuse of any kind at all times.
- 6.5 The total number of dogs allowed in a kennel may be restricted by the Animal Control Officer(s).
- 6.6 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.
- 6.7 Proof of "up to date" membership in the Canadian Kennel Club shall be submitted with the application for kennel permit.
- 6.8 No kennel shall be established except as permitted under the applicable Zoning By-law.
- 6.9 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.
- 6.10 A hearing in respect of a proposed suspension or revocation shall be held before Council or a committee thereof.

## PART 7- ENFORCEMENT

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine as provided for in the *Provincial Offences Act*
8. By-laws 2002-15 and 200424 are hereby repealed.

READ A FIRST AND SECOND TIME THIS 13<sup>TH</sup> DAY OF OCTOBER, 2005.

READ A THIRD TIME AND FINALLY PASSED THIS 13<sup>TH</sup> DAY OF OCTOBER, 2005.

  
MAYOR

  
CLERK



SCHEDULE "A"

BY-LAW 2005-74  
MUNICIPALITY OF WEST ELGIN

**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 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 ( )

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 Municipality of West Elgin, it being expressly understood that receipt of a permit does not relive 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 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 Number

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 on 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 2005-74  
MUNICIPALTY OF WEST ELGIN  
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 municipaltiy

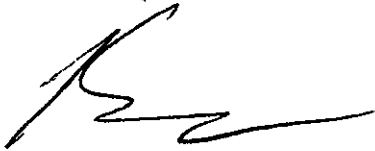
**ONTARIO COURT OF JUSTICE**

**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. 2005-74, of the Municipality of West Elgin, attached hereto are the set fines for those offences. This Order is to take effect July 14, 2009.

Dated at London this 14th day of July, 2009.

A handwritten signature in black ink, appearing to read 'Kathleen E. McGowan', with a stylized, flowing script.

Kathleen E. McGowan  
Regional Senior Justice  
West Region

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN      BY-LAW NO. 2005-74      TITLE: Dogs  
(PART 1 - PROVINCIAL OFFENCES ACT)

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Keep more than three (3) dogs – household	S. 2.1	\$115.00
2.	Keep more than three (3) dogs – premises	S. 2.1	\$115.00
3.	Owner allow dog to run at large	S. 2.3	\$115.00
4.	Owner permit dog to run at large	S. 2.3	\$115.00
5.	Owner cause dog to run at large	S. 2.3	\$115.00
6.	Permit leashed dog to enter upon private property without consent of owner of property – owner	S. 2.4	\$55.00
7.	Permit leashed dog to enter upon private property without consent of owner of property – other person	S. 2.4	\$55.00
8.	Fail to remove/dispose of dog excrement – private property	S. 2.6(a)	\$55.00
9.	Fail to remove/dispose of dog excrement – municipally owned lands	S. 2.6(b)	\$115.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 7.1 of the By-Law 2005-74, a certified copy of which by-law has been filed.

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN			BY-LAW NO. 2005-74		TITLE: Dogs	
(PART I – PROVINCIAL OFFENCES ACT)						
ITEM	COLUMN 1	COLUMN 2	COLUMN 3			
	Short Form Wording	Provision Creating or Defining Offence	Set Fine			
10.	Permit dog to bark, howl, or make noise likely to disturb inhabitants	S. 2.9	\$115.00			
11.	Fail to register dog within one month of becoming owner	S. 3.1	\$55.00			
12.	Fail to register dog annually	S. 3.2	\$55.00			
13.	Fail to vaccinate dog against rabies	S. 3.4	\$55.00			
14.	Fail to affix tag to dog	S. 3.7	\$55.00			
15.	Erect kennel without permit	S. 6.2	\$115.00			
16.	Maintain kennel without permit	S. 6.2	\$250.00			

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 7.1 of the By-Law 2005-74, a certified copy of which by-law has been filed.

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW NO.2005-74

TITLE: Dogs

(PART I – PROVINCIAL OFFENCES ACT)

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
17	Operate kennel without permit	S. 6.2	\$250.00
18.	Fail to pay kennel fee	S. 6.3	\$55.00
19.	Fail to keep kennel in clean condition	S. 6.4	\$250.00
20.	Fail to keep kennel in sanitary condition	S. 6.4	\$250.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 7.1 of the By-Law 2005-74, a certified copy of which by-law has been filed.