



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 or 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

Jana 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____

Served on Owner _____ on _____ at _____
Name date time
Animal Control Officer