

# The Corporation of the Town of Essex

## By-Law Number 1966

Being a by-law to regulate, license and control animals within the municipal boundaries of the Town of Essex

**WHEREAS** Section 9 and 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended (the "Act") provides that a municipality may pass by-laws respecting the following matters:

- Environmental well-being of the municipality – Section 11(2)(5);
- Health, safety, and well-being of persons – Section 11(2)(6); and
- Animals – Section 11(3)(9);

**AND WHEREAS** Section 103 of the Act provides that a municipality may pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

**AND WHEREAS** Section 105 of the Act provides that a municipality shall, upon the request of the owner of the dog, hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog;

**AND WHEREAS** Section 391 of the Act enables a municipality to pass by-laws imposing fees and charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** the Council of The Corporation of the Town of Essex (the "Town of Essex") deems it desirable to pass a by-law providing for a system of licensing and controlling of certain animal species, regulating and prohibiting certain animal species, and prohibiting the abandonment or disposal of animals and/or a litter of animals on private or other property, including public property, within the Town of Essex;

**AND WHEREAS** the Council of the Town of Essex is desirous of ensuring that animals are kept and treated in a humane manner and owners of animals provide good quality care to them;

**AND WHEREAS** the Council of the Town of Essex deems that the abandonment or disposal of animals and/or a litter of animals on private and other property, including public property within the Town of Essex without the express permission of the property owner represents an undue burden on property owners and the municipality and is considered to be a gross mistreatment of animals;

**NOW THEREFORE** be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

### Part 1 – Interpretation

#### 1.1 Short Title

1.1.1 This By-Law may be cited as the "Animal Care and Control By-Law"

#### 1.2 Definitions

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

1.2.2 "**Animal Control Officer**" means a Person appointed by Council or who has entered into a contract with the Town of Essex to control Animals under this by-law and includes any servants of such person;

1.2.3 "**By-Law Enforcement Officer**" means a municipal by-law enforcement officer appointed by Council for the Town of Essex to enforce by-laws of the Town of Essex;

- 1.2.4 **“Cat”** or **“Domestic Cat”** means a feline of the species *Felis catus*;
- 1.2.5 **“Choke Collar”, “Choke Chain”,** or **“Prong Collar”** means a Collar that tightens, constricts or pinches an Animal’s neck when tension is applied and may inflict pain or discomfort on an Animal;
- 1.2.6 **“Clerk”** means the duly appointed Clerk of The Corporation of the Town of Essex or his or her delegate.
- 1.2.7 **“Collar”** means a strap which is placed around an Animal’s neck, to which a Leash, restraining device or tag may be attached;
- 1.2.8 **“Corporation”** means The Corporation of the Town of Essex;
- 1.2.9 **“Council”** means the Council of The Corporation of the Town of Essex;
- 1.2.10 **“Custody”** means the protective care or guardianship of someone or something;
- 1.2.11 **“Dog”** or **“Domestic Dog”** means a canine of the species *Canis familiaris*;
- 1.2.12 **“Dog Kennel”** means a Premise, including outdoor areas, buildings, structures, or shelters, or part thereof used or intended to be used for the purpose of breeding, boarding, daycare, recreation, or housed for similar purposes, and includes all types of kennels and dog daycare that are regulated under the Kennel Licensing By-Law 2221, as amended from time to time or replaced;
- 1.2.13 **“Dog Pound”** means the pound which is contracted by the Town of Essex to receive stray Dogs captured by the Animal Control Officer;
- 1.2.14 **“Dwelling Unit”** means one or more habitable rooms designated and intended for use as the home or residence of one or more Persons and has culinary and sanitary facilities;
- 1.2.15 **“Harbour”** means to give shelter to;
- 1.2.16 **“Herding Dog”** means a Dog that has been trained and is actively being used in an agricultural operation for the purposes of controlling Livestock on the farm;
- 1.2.17 **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- 1.2.18 **“Household”** is generally defined as being composed of a Person or group of Persons who co-reside in, or occupy, a dwelling and may consist of a family group, two or more families sharing a dwelling, a group of unrelated persons or a person living alone;
- 1.2.19 **“Impound”** means to seize and take Custody of an Animal in a pound or shelter;
- 1.2.20 **“Kennel”** means a structure or shelter in which an Animal is kept;
- 1.2.21 **“Keep”** means, for the purposes of this By-Law, to have temporary or permanent control or possession of an Animal.
- 1.2.22 **“Leash”** generally means a rope, chain or other restraining material that is attached to a Collar or halter worn by an animal and that is capable of restraining the Animal on which it is being used;
- 1.2.23 **“Licence”** means, for the purposes of this By-Law, a licence for a Dog in the form of a dog tag, or a duly signed and completed registration form in the case of Prohibited Animal Species issued by the Town of Essex;

- 1.2.24 **“Livestock”** includes, but is not limited to:
- a) a horse, mule, ass, swine, emu, ostrich, llama, alpaca, sheep or goat;
  - b) domestically reared or kept deer, reindeer, moose, elk or bison;
  - c) farm bred fur bearing animals, including foxes or mink;
  - d) Animals of the bovine species;
  - e) Animals of the avian species, including chickens, turkeys, ducks, geese or pheasant; and
  - f) all other Animals that are kept for agricultural purposes;
- but does not include Cats, Dogs, or other domesticated household pets;
- 1.2.25 **“Livestock Guardian Dog”** means a Dog that works and/or lives with Livestock to protect them while repelling predators and is used exclusively for that purpose.
- 1.2.26 **“Municipal Act”** means the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, and any regulations thereunder.
- 1.2.27 **“Municipal Freedom of Information and Protection of Privacy Act”** means the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*, as amended, and any regulations thereunder.
- 1.2.28 **“Municipality”** includes all property located within the municipal boundaries of The Corporation of the Town of Essex.
- 1.2.29 **“Off Leash Area”** means those areas designated and signed by the Town as an off leash area where Dogs may exercise and play without a Leash in a controlled environment under the supervision of their owner.
- 1.2.30 **“Operate”** means to perform a function;
- 1.2.31 **“Own”** means to Keep, Harbour, Possess or have Custody of an animal;
- 1.2.32 **“Owner”** means a person who keeps, Harbours, possesses or has Custody of an Animal, and, in the case of a minor under the age of eighteen (18) years, owner means the person responsible for the Custody of the minor;
- 1.2.33 **“Person”** includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent and the heirs, executors or legal representatives of the person to whom the context can apply according to law;
- 1.2.34 **“Police Officer”** means a police officer of the Ontario Provincial Police or a police officer any other police service having jurisdiction within the Town of Essex.
- 1.2.35 **“Police Service”** means the Ontario Provincial Police or any other police service having jurisdiction within the Town of Essex.
- 1.2.36 **“Police Working Dog”** means a Dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;
- 1.2.37 **“Possess”** means to have or own something;
- 1.2.38 **“Possession”** means the state of having, owning, or controlling something;
- 1.2.39 **“Premises”** includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;
- 1.2.40 **“Private Property”** means, for the purposes of this By-Law, real property owned by person(s) or individual(s) and which is located within the municipal boundaries of the

Town of Essex but does not include property owned by a government or a government agency, division or entity;

- 1.2.41 **“Public Property”** means, for the purposes of this By-Law, real property owned by a government or a government agency, division or entity and includes property owned by the Town of Essex;
- 1.2.42 **“Roadway”** means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively;
- 1.2.43 **“Run at Large”** means, with reference to a Dog, to be elsewhere than on the property of the person who keeps the Dog, or of a person who has care, custody and control of the Dog, and not be under the physical charge and control of a responsible Person by means of a Leash;
- 1.2.44 **“Sanitary Condition”** means a condition that does not result in an accumulation of fecal matter, odour, insect infestation or rodent attractants which endanger the health of any person or animal, or that would not disturb the enjoyment, comfort or convenience of any person or that endangers or is likely to endanger the health of any person or Animal;
- 1.2.45 **“Service Dog”** and **“Service Animal”** means a guide dog as defined in Section 1 of the Blind Persons Rights’ Act or other trained service animal for a person with a disability. An Animal is a service animal for a person with a disability—
- a) If it is readily apparent that the Animal is used by the person for the reasons relating to his or her disability; or
  - b) If the person provides a letter from a physician or nurse confirming that the person requires the Animal for reasons relating to the disability;
- 1.2.46 **“Splash Pad”** means an area for water play that is continuously drained and, as a result, has little or no standing water with water typically dispersed by ground nozzles and other types of water features that spray, mist, or dump water.
- 1.2.47 **“Tethered”** means, for the purposes of this By-Law, the fastening of a rope, chain, cord or similar restraining device to an Animal’s collar or halter so that the animal can only range in an area limited to the length of such rope, chain, cord or similar restraining device;
- 1.2.48 **“Town”** or **“Town of Essex”** means The Corporation of the Town of Essex or the geographical area of the Town of Essex, as the context may suggest; and
- 1.2.49 **“Unsanitary Condition”** means a condition that results in an accumulation of fecal matter, odour, insect infestation or rodent attractants which endanger the health of any Person or Animal, or that would not disturb the enjoyment, comfort or convenience of any person or that endangers or is likely to endanger the health of any Person or Animal.

### **1.3 Headings**

- 1.3.1 The headings contained in this By-Law are for convenience only and do not form part of this By-Law.

### **1.4 Schedules**

- 1.4.1 This By-Law includes the Schedules attached hereto and the Schedules are hereby declared to form part of this By-Law.

## **Part 2 – Scope of By-Law**

### **2.1 Application**

- 2.1.1 This By-Law applies throughout the Municipality with the following exceptions:
- a) An animal pound or shelter that is as follows from i) to iii):
    - i) A registered not for profit charitable organization devoted to the prevention of cruelty to animals; or
    - ii) Is lawfully operated by the Ontario Society for the Prevention of Cruelty to Animals or the Windsor/Essex County Humane Society; or
    - iii) Is a pound or shelter operated by a municipality.
  - b) A Veterinary Hospital or Clinic which is operated and supervised by a Veterinarian licensed to practice in the Province of Ontario, but does not exclude animals kept as pets at the Veterinary Hospital or Clinic;
  - c) Premises registered as a research facility pursuant to the *Animals for Research Act, R.S.O. 1990, c. A-22*, as amended.
  - d) When emergency treatment is being administered to an injured or abandoned animal while such animal is unable to fend for itself and provided that there is no danger to any person or other animal;
  - e) Any Wildlife Rehabilitation Centre registered with the Ontario Ministry of Natural Resources under the *Fish and Wildlife Conservation Act*; or
  - f) The Premises of an exhibit, public show or other display as permitted by municipal by-law and other applicable federal or provincial legislation.

## **Part 3 – Licensing and Control of Dogs**

### **3.1 Requirement to License Dogs**

- 3.1.1 No Person shall own a Dog, including a Service Dog, Police Working Dog, or Livestock Guardian Dog, over six months of age within the Town of Essex unless such Dog has been Licensed with the Town of Essex in accordance with this By-Law and a dog tag has been purchased.
- 3.1.2 Dogs shall be Licensed annually as of January 1 based on the licensing fees prescribed in Schedule "A" attached hereto.
- 3.1.3 A separate Licence is required for each dog owned by a Person.
- 3.1.4 After March 31 in any given year, licensing fees shall increase in accordance with Schedule "A" attached hereto.
- 3.1.5 Where a Dog becomes of licensable age after March 31 in any given year, the fee shall be charged at the rate applicable for the period of January 1 to March 31 as prescribed in Schedule "A" attached hereto, provided such Licence is purchased within thirty (30) days of the dog becoming of licensable age.
- 3.1.6 Where a Dog is purchased or adopted after March 31 in any given year, within thirty (30) days of purchasing or adopting the Dog and upon providing proof of purchase or adoption, the fee shall be charged at the fee applicable for the period of January 1 to March 31 as prescribed in Schedule "A" attached hereto.
- 3.1.7 Notwithstanding Sections 3.1.5 and 3.1.6 of this By-Law, the fee applicable to Dogs which become of licensable age or a Dog which is purchased or adopted after March 31 in any given year shall be as prescribed in Schedule "A" attached hereto, provided

such Licence is purchased within thirty (30) days of the Dog becoming of licensable age or being purchased or adopted.

- 3.1.8 A Person who has a secondary residence in the Town of Essex and has purchased a valid Dog Licence from the municipality in which their primary residence is located, shall Licence their Dog with the Town of Essex based on the fees prescribed in Schedule "A" attached hereto upon providing proof that their primary residence is not located in the Town of Essex and proof as to the purchase of a valid Licence from another municipality, with such proof to be to the satisfaction of the Clerk.
- 3.1.9 Notwithstanding Sections 3.1.5, 3.1.6, and 3.1.7 of this By-Law, where a Licence is not purchased within thirty (30) days of:
- a) A Dog becoming of licensable age after March 31, referencing Section 3.1.5; or
  - b) A Dog is purchased or adopted after March 31, referencing Section 3.1.6; or
  - c) A Dog becomes of licensable age after March 31, or a Dog is purchased or adopted after July 1

the Licence fee shall be charged at the rate in effect in the month that it was purchased as prescribed in Schedule "A" attached hereto.

- 3.1.10 Personal information, as defined by the Municipal Freedom of Information and Protection of Privacy Act, is collected for purposes of obtaining a Dog Licence under the authority of the Municipal Act and in accordance with the Municipal Freedom of Information and Protection of Privacy Act, and may include:
- a) Owner's name, address, and telephone number;
  - b) Breed, colour, and name of the Dog being Licensed; and
  - c) Any other information deemed necessary by the Clerk.

## **3.2 Dog Tags**

- 3.2.1 A Dog Licence, in the form of a dog tag bearing a serial number, the words "Dog Tag" and "Town of Essex", shall be issued by the Clerk or person(s) designated by the Clerk for each Dog Licensed.
- 3.2.2 One dog tag shall be issued by the Clerk for the lifetime of the Dog and shall be renewed annually as of January 1 for the lifetime of the Dog.
- 3.2.3 The Owner shall securely affix the dog tag to the Dog's Collar so that it will remain with the Dog at all times during the year, except for Livestock Guardian Dogs and Herding Dogs.
- 3.2.4 No Person shall put on or affix to a Dog a tag, unless the same is issued for such Dog.
- 3.2.5 Upon obtaining satisfactory evidence that a Dog is a Service Dog, Police Working Dog, Livestock Guardian Dog, or Herding Dog, the Clerk shall issue a Dog Licence in the form of a dog tag in accordance with the Licence fees prescribed in Schedule "A" attached hereto.
- 3.2.6 No Person shall provide falsified evidence that a Dog is a Service Dog or Police Working Dog or represent a Dog as a Livestock Guardian Dog when the Dog is not used exclusively for that purpose.
- 3.2.7 Every Person who has been issued a dog tag by the Town of Essex shall purchase a replacement dog tag if a dog tag is lost at the fee prescribed in Schedule "A" attached hereto.
- 3.2.8 Licences issued under Part 3 of this By-Law are not transferrable.

- 3.2.9 A dog tag issued by another municipality shall be recognized as a valid dog tag in the Town of Essex in the year that a resident from another municipality moves to, and becomes a resident of the Town of Essex, provided the dog tag issued by the other municipality is valid for that year.
- 3.2.10 An Owner of a Dog, who fails to provide a proof of Licence for any preceding years of ownership of a Dog for which the Dog resided in the Town, shall be required to pay a fee prescribed in Schedule "A" attached hereto for each of these years prior to obtaining a Licence for the current year.

### **3.3 Requirement to Report Information Related to a Licensed Dog**

- 3.3.1 Every Person who owns a Licensed Dog shall advise the Town of Essex of the death of the Licensed Dog within thirty (30) days of the dog's death.
- 3.3.2 Every Person who owns a Licensed Dog shall advise the Town of Essex of the moving of a Licensed Dog to a new address or transfer of the Dog to a new Owner within thirty (30) days of the move to transfer.

### **3.4 Number of Dogs**

- 3.4.1 No Person or Household shall own in excess of three (3) Dogs at any one time.
- 3.4.2 Section 3.4.1 of this By-Law does not apply in cases where a Person or Household is temporarily fostering Dogs for one of the following organizations and can provide a copy of the foster agreement with the relevant organization:
- a) A registered not for profit charitable organization devoted to the prevention of cruelty to animals; or
  - b) An animal shelter that is lawfully operated by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society; or
  - c) The Lakeshore Dog Pound; or
  - d) The Kingsville Dog Pound; or
  - e) The Windsor/Essex County Humane Society.
- 3.4.3 Section 3.4.1 of this By-Law shall not apply to a Person who owns, operates, or keeps a Dog Kennel for which a Kennel Licence has been issued by the Town of Essex.
- 3.4.4 Section 3.4.1 of this By-Law shall not apply to a Person who owns or operates a pet shop or pet store.
- 3.4.5 Notwithstanding Section 3.4.1 of this By-Law, if a Dog has a litter, the Owner shall, within six (6) months of the birth of the litter, take the necessary steps to comply with Section 3.4.1 of this By-Law.
- 3.4.6 Notwithstanding Section 3.4.2 of this By-Law, no Person shall foster a Dog for a period exceeding ninety (90) days.
- 3.4.7 Notwithstanding Section 3.4.2 of this By-Law, no Person or Household shall foster more than three (3) dogs at any one time without providing proof that the Persons abutting the property on all sides of the Property where the Dogs are being fostered, consent in writing to such fostering activities.

### **3.5 Persistent Barking**

- 3.5.1 The persistent barking, calling, or whining by a domestic Animal is regulated by the Noise Control By-Law 2038, as amended from time to time or replaced.

### **3.6 Control of Dogs within the Town of Essex**

- 3.6.1 No Owner of a Dog shall permit a Dog to Run at Large within the Town of Essex.
- 3.6.2 Every Dog which is found in the Town of Essex off the Premises on which it is usually kept, with or without a dog tag, and not being under the physical charge and control of a responsible person by means of a Leash, may be seized, and impounded by the Animal Control Officer and delivered to the Dog Pound.
- 3.6.3 A Dog which has been impounded at the Dog Pound will be sold, euthanized, or disposed of in accordance with the Animals for Research Act if not claimed from the Dog Pound by the Owner thereof within three (3) days, excluding holidays, following the day on which the dog was impounded.
- 3.6.4 Where a Dog is claimed from the Dog Pound, the Dog Pound shall release the Dog to the Owner only upon receipt of:
- a) Proof that the claimant owns the Dog;
  - b) Proof that the Dog is Licensed by the Town in which the Dog resides; and
  - c) Proof of payment of all fees, fines, and veterinary expenses incurred with respect to the Dog.
- 3.6.5 No Person shall keep a Dog off the Premises of the Owner unless such Dog is on a Leash which shall not exceed two (2) metres in length.
- 3.6.6 Notwithstanding Section 3.6.5 of this By-Law, when a Person is legally hunting wildlife, that Person may keep a Dog under physical control by means other than a Leash during such hunting activities.
- 3.6.7 Notwithstanding Sections 3.6.1, 3.6.2, and 3.6.5 of this By-Law, the Owner of a Dog is permitted to have a Dog off-leash in an Off Leash Area, approved by the Town, that permits Dogs to be kept off-leash, providing that a Person is in control of such Dog and shall keep the Dog in sight and under voice control at all times, and shall promptly Leash such Dog when confrontations with humans or other Dogs develop.

### **3.7 Dogs in Prohibited Areas**

- 3.7.1 No Owner of a Dog shall allow such Dog to enter onto a Splash Pad unless such Dog is acting as a Service Dog for a person with a disability who is on the Splash Pad.

## **Part 4 – Dangerous Dogs**

### **4.1 Part 4 Definitions**

- 4.1.1 The following definitions are specific to Part 4 of this By-Law:
- a) **“Appeals Committee”** means the committee to which Council has delegated the authority and responsibility to conduct hearings with respect to muzzling requirements for a Dog;
  - b) **“Bite”** (noun) means a wound received from the mouth and, in particular, the teeth of an Animal, which may result in abrasions, cuts, punctures, tearing of the skin or bruising;
  - c) **“Bite”** (verb) or **“Bitten”** means to:
    - i) cut, puncture, wound, tear or bruise with teeth;
    - ii) to sever with teeth; or
    - iii) to grip with teeth;

- d) **“Dangerous Dog”** means a Dog, which has, without provocation, regardless of age and whether on Private Property or Public Property:
  - i) injured, attacked, bitten or killed a Person or a domestic Animal;
  - ii) damaged or destroyed any Public Property or Private Property; or
  - iii) been declared dangerous or vicious in another municipality in Ontario;
- e) **“Muzzle”** means a humane fastening or covering device made of metal, plastic, leather, or a combination of these materials, that does not interfere with the breathing, panting, ability to drink or vision of the Dog when fitted and fastened over the Dog’s mouth, but that is of sufficient strength to prevent the Dog from Biting;
- f) **“Notice to Muzzle”** means a notice issued by the Animal Control Officer, By-Law Enforcement Officer, or Police Officer, to the Owner of a Dangerous Dog requiring that the Dangerous Dog be Muzzled and Restrained pursuant to the provisions of this By-Law;
- g) **“Restrained”** means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with Persons, other than the Owner of the dog, or any other domestic Animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside;
- h) **“Victim”** means, for the purposes of this By-Law, the Person or domestic Animal who is injured, attacked, Bitten, or killed as a result of the Dog that has been declared dangerous;
- i) **“Without Provocation”** means that the Dog has not been incited or induced to behave aggressively because:
  - i) the Dog was acting in defense of an attack on itself by a Person or another domestic Animal;
  - ii) the Dog was acting in defense of its offspring or reacting to a Person or domestic Animal trespassing on the property of its Owner; or
  - iii) the Dog was being, tased, provoked, or tormented;
- j) **“Witness”** means a Person who has, claims to have, or is thought, by someone with authority to compel testimony, to have knowledge relevant to an event or other matter of interest, and includes the Victim.

## **4.2 Exceptions to Part 4**

- 4.2.1 Part 4 of this By-Law does not apply to Police Working Dogs and Livestock Guardian Dogs, as defined herein.

## **4.3 Control of Dangerous Dogs**

- 4.3.1 No Owner of a Dog shall permit such Dog to injure, attack, Bite, or kill, Without Provocation, a Person or domestic Animal.

#### **4.4 Declaration Regarding a Dangerous Dog**

- 4.4.1 Incidents involving a Dangerous Dog shall be reported within forty-eight (48) hours of the occurrence of the incident to the Animal Control Officer for the Town or the Police Service having jurisdiction within the Town.
- 4.4.2 At the time of reporting an incident and if reported to the Police Service, the individual reporting the incident shall be required to obtain the name and badge number of the investigating officer(s) for purposes of completing a Declaration Regarding a Dangerous Dog in accordance with Section 4.4.3 of this By-Law.
- 4.4.3 A Declaration Regarding a Dangerous Dog shall be completed by the Animal Control Officer or the Police Officer investigating the incident in the form prescribed by the Clerk and shall include, but is not limited to, the following information:
- a) Name of the Owner of the Dangerous Dog;
  - b) Name, address, and telephone number of the Victim or the Witness to the incident involving the Dangerous Dog;
  - c) Description of the Dangerous Dog, including breed, age and sex, if known, colour, and other distinguishing features of the Dog;
  - d) The municipal dog tag number and rabies tag available, if available;
  - e) Date and time of incident, location where the incident occurred and description of the incident;
  - f) Name of other Witnesses and agencies involved, if applicable; and
  - g) Signature of Witness or Victim.
- 4.4.4 The Witness shall provide any additional evidence related to the incident to the Animal Control Officer or the Police Officer investigating the incident when the Declaration is completed and signed by the Witness:
- a) Pictures of the injury or damage caused by a Dog, with date and time stamp noted on the picture;
  - b) Picture of the Dog;
  - c) Information regarding treatment required from a Person in the medical profession; and
  - d) Any other information deemed to be pertinent to the incident.

#### **4.5 Power to Declare a Dangerous Dog**

- 4.5.1 Upon receipt of a signed Declaration Regarding a Dangerous Dog that has been attested to by a Witness who actually saw the alleged Dangerous Dog injure, attack, Bite, or kill a Person or domestic Animal, the Animal Control Officer or By-Law Enforcement Officer shall be empowered to declare the dog a Dangerous Dog.

#### **4.6 Notice to Muzzle**

- 4.6.1 Within two (2) business days of receipt of a duly executed Declaration Regarding a Dangerous Dog, the Animal Control Officer or By-Law Enforcement Officer shall hand deliver or send by registered mail to the last known address of the Owner of the dog, a Notice to Muzzle to the owner of the Dangerous Dog requiring that the Dangerous Dog be Muzzled and Restrained pursuant to the provisions of this By-Law.
- 4.6.2 Upon serving the Notice to Muzzle, the Animal Control Officer or By-Law Enforcement Officer shall attest to the date and time of serving the notice on the

Notice to Muzzle and sign the notice confirming service. At the time of serving the Notice to Muzzle, the Owner of the dog will be provided with a signed copy of the Notice to Muzzle, and a copy of the relevant By-Law related to Dangerous Dogs. One original signed copy of the Notice to Muzzle will be provided to the Clerk.

- 4.6.3 The Notice to Muzzle will be deemed to have been served on the day it was hand delivered to the Owner or within three (3) business days of the date it was sent by registered mail.

#### **4.7 Appeal Hearing with Respect to the Issuance of a Notice to Muzzle**

- 4.7.1 Where an Owner of a Dog has been served with a Notice to Muzzle pursuant to the provisions of this By-Law, the Owner of the Dog may apply for a hearing in respect of such Notice to Muzzle.
- 4.7.2 An application for a hearing under Section 4.7.1 of the By-Law shall be made by the Owner of the Dog, and such application shall be in writing, clearly state the reasons for the appeal and be delivered to the Clerk within thirty (30) days after the Notice to Muzzle has been served.
- 4.7.3 Upon receipt of the application for a hearing from an Owner of a Dog that has been declared dangerous the Clerk shall convene a meeting of the Appeals Committee and shall give the Owner of the Dog and the Victim and/or Person who witnessed the Dangerous Dog injure, attack, Bite, or kill a Person or domestic Animal, ten (10) days written notice by hand delivery, email or registered mail of the time, date, and location of the hearing.
- 4.7.4 The Owner of the Dog that has been declared dangerous, the Victim and/or Witness and any other interested Person may appear at the hearing to present oral or written evidence relating to the Dog.
- 4.7.5 The Owner of the Dangerous Dog and the Person who witnessed the Dangerous Dog shall provide any written or pictorial evidence to be presented at the hearing to the Clerk three (3) days prior to the hearing by 12:00:00 p.m.
- 4.7.6 Any evidence so provided to the Clerk in accordance with Section 4.7.5 shall be delivered to the members of the Appeals Committee, the Owner of the Dangerous Dog, the Victim and/or the Person who witnessed the Dangerous Dog by the Clerk forty-eight (48) hours prior to the hearing.
- 4.7.7 When the Owner of the Dog that has been declared dangerous does not attend the hearing at the proper place and time, the Appeals Committee may proceed with the hearing in his or her absence, and the Owner of the dog that has been declared a Dangerous Dog shall not be entitled to any further notice of the proceeding.
- 4.7.8 The Appeals Committee shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) days following the date of the hearing.
- 4.7.9 A decision of the Appeals Committee may confirm that the dog is dangerous and the Notice to Muzzle is binding on the Owner or may exempt the Owner of the dog from the muzzling, restraining or leashing requirements.
- 4.7.10 If the parties to the hearing consent, the hearing may be disposed of by a decision of the Appeals Committee without a hearing.
- 4.7.11 The decision of the Appeals Committee shall be final and binding.

- 4.7.12 The notice of the hearing or any matter which arises related to the proceedings of the Appeals Committee not covered in the provisions of this By-Law shall be governed by the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, as amended.
- 4.7.13 Notwithstanding that an Owner of the Dog that has been declared dangerous has applied for a hearing to appeal the Notice to Muzzle, the Notice to Muzzle shall take effect on the day that it is served or deemed to be served, in accordance with Subsection 4.6.2, on the Owner of the Dog and the Notice to Muzzle shall remain in effect until the Appeals Committee has made its decision on the appeal.
- 4.7.14 A written copy of the decision of the Appeals Committee shall be prepared by the Clerk as soon as is practicable after the conclusion of the hearing and shall be hand delivered or sent by registered mail to all parties to the hearing.

#### **4.8 Requirements of Dog Owner – Notice to Muzzle**

- 4.8.1 Every Person who owns a Dog for which a Notice to Muzzle has been served shall:
- a) Immediately upon being served a Notice to Muzzle, keep the Dangerous Dog Restrained at all times when the Dangerous Dog is on the property of the Owner in accordance with the definition of “restrained” as outlined in Section 4.1.1 – Part 4 Definitions of this By-Law;
  - b) Immediately upon being served a Notice to Muzzle, when the Dangerous Dog is off the property of the Owner:
    - i) keep the Dog securely on a Leash attached to a Dog Collar or halter with such Leash to be a maximum length of one and one-half (1-1/2) metres and of sufficient strength to restrain the Dog and keep it from chasing a Person or domestic Animal;
    - ii) Muzzle the Dog; and
    - iii) ensure the Dog is under the control of a Person eighteen (18) years of age or older;
  - c) Within three (3) business days after being served a Notice to Muzzle, pay to the Town of Essex the additional Licence fee for Dangerous Dogs as prescribed in Schedule “A” attached hereto;
  - d) Notify the Clerk in writing within forty-eight (48) hours of any changes to the residency of the Dangerous Dog;
  - e) Notify the Clerk in writing within forty-eight (48) hours after the Ownership of the Dangerous Dog is transferred to another Person;
  - f) Notify the Clerk in writing within forty-eight (48) hours of the death or euthanasia of a Dangerous Dog and provide proof of such death or euthanasia;
  - g) Within three business days of being served a Notice to Muzzle, provide proof of personal liability insurance in the amount of not less than two million dollars (\$2,000,000.00) with such insurance policy being endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without providing thirty (30) days written notice to the Clerk of the Town of Essex;
  - h) Within three (3) business days of being served a Notice to Muzzle, place signage on the property of the dog owner’s that clearly warns people of the Dangerous Dog;
  - i) The Owner of a Dangerous Dog shall be prohibited from allowing such Dangerous Dog to enter a designated Off Leash Area, that is so designated by signage and permits Dogs to be kept off-leash; and

- j) Ensure that at all times the Dangerous Dog is wearing the red dog tag supplied by the Town of Essex bearing the words "Town of Essex Dangerous Dog".

#### **4.9 Appeal Hearing with Respect to Suspension of a Notice to Muzzle**

- 4.9.1 One year following the issuance of a Notice to Muzzle and upon obtaining proof that the Dangerous Dog has been rehabilitated, the Owner of a Dangerous Dog may make appeal for the suspension of the Notice to Muzzle.
- 4.9.2 An application with respect to the suspension of a Notice to Muzzle under Section 4.9.1 of this By-Law shall be made to the Clerk, in writing, by the Owner of the Dangerous Dog, and shall include proof that the appropriate steps have been taken to address the situation that led to the Dog being declared dangerous.
- 4.9.3 Upon receipt of the application with respect to the suspension of a Notice to Muzzle from an Owner of a Dog that has been declared dangerous, the Clerk shall forward the application including any evidence so provided to the Animal Control Officer who may, if satisfied that the Dangerous Dog has been rehabilitated and after consultation with the Clerk, suspend the Notice to Muzzle.
- 4.9.4 A joint decision of the Animal Control Officer and Clerk may confirm that the Dog is dangerous and the Notice to Muzzle is binding on the Owner or may suspend the Notice to Muzzle which was previously issued, thereby exempting the Owner of the Dog from the Muzzling, Restraining or Leashing requirements.
- 4.9.5 The joint decision of the Animal Control Officer and Clerk shall be final and binding.
- 4.9.6 A written copy of the decision shall be prepared by the Clerk as soon as is practicable after the decision is issued and shall be hand delivered or sent by registered mail to the Owner of the Dog that has been declared dangerous at the address shown on their Application and other individuals as may be designated by the Clerk.

### **Part 5 – Dog Kennels**

#### **5.1 Kennel Licensing**

- 5.1.1 All types of Dog Kennels and Dog Daycare are licensed and regulated under the Kennel Licensing By-Law Number 2221, as amended from time to time or replaced.

### **Part 6 – Keeping of Pets**

#### **6.1 Part 6 Definitions**

- 6.1.1 The following definition is specific to Part 6 of this By-Law:
  - a) **"Kept Outdoors"**, for the purposes of this By-Law, means a Dog that is kept in outdoor containment for a continuous period exceeding sixty (60) minutes, without direct outdoor presence and supervision by its Owner or custodian;
  - b) **"Treated Humanely"** means that Animals are treated in a manner that is characterized by tenderness, compassion, and sympathy so as not to cause physical injury, suffering or distress, including mental distress, to an Animal.

#### **6.2 Responsibility to Care for Animals**

- 6.2.1 Every Person who Owns or has Custody of an Animal within the Town of Essex shall ensure such Animal is Treated Humanely and is provided with:
  - a) a clean and sanitary environment free from an accumulation of fecal matter;
  - b) a shelter that is waterproof and that protects it from exposure to the elements;
  - c) a shelter for the Animal that is adequate and appropriate for its size and breed;

- d) adequate and appropriate care, food, water, shelter, exercise, attention, veterinary care, and opportunity for physical activity as may be required to meet the needs of the species.

### **6.3 Keeping Animals in Unsanitary Conditions**

6.3.1 No Person shall keep an Animal within the Town of Essex in an Unsanitary Condition.

### **6.4 Tethers**

6.4.1 No Person shall keep an Animal tethered on a rope, chain, cord, or similar restraining device unless:

- a) The tether is of appropriate length for the species tethered;
- b) The Animal has unrestricted movement within the range of such tether;
- c) The Animal is not tethered for longer than four (4) hours per day;
- d) The Animal has access to water, food and shelter while tethered; and
- e) The Animal cannot injure itself as a result of the tethering.

6.4.2 Notwithstanding Section 6.4.1 of this By-Law, in the case of Dogs, the tether shall be a minimum of three (3) metres in length, provided the tether does not permit the Animal to go beyond the limits of the Dog Owner's property.

6.4.3 Notwithstanding Section 6.4.1 of this By-Law, no Person shall keep an Animal where a Choke Collar, a Choke Chain, or a Prong Collar forms part of the tether or a rope, chain, cord, or similar restraining device is tied directly around the Animal's neck.

### **6.5 Animals in Vehicles**

6.5.1 No Person shall allow an Animal to be outside of the passenger cab of a motor vehicle on a Roadway, regardless of whether the motor vehicle is moving or parked.

6.5.2 Notwithstanding Section 6.5.1 of this By-Law, a Person may allow an Animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pick up truck or flat bed truck, if the Animal 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.

6.5.3 The Owner of an Animal shall not leave an Animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an Animal.

6.5.4 A Police Officer who has reasonable grounds to believe that an Animal left unattended in a motor vehicle is in imminent physical danger may take steps to remove the Animal from the vehicle and shall not be held liable for any damage to the vehicle by so doing.

### **6.6 Standards of Care for Dogs that Live Outdoors**

6.6.1 An Owner of a Dog Kept Outdoors must provide the Dog with:

- a) Sufficient protection from the elements to prevent the Dog from experiencing heat or cold-related distress; and

- b) Access to sufficient shade as may be required by the weather conditions, including sufficient shade to protect the Dog from direct sunlight.
- 6.6.2 An Owner of a Dog Kept Outdoors must ensure the food and water containers used are constructed to avoid injury to the Dog and to avoid difficulty for the Dog in accessing food or water.
- 6.6.3 An Owner of a Dog Kept Outdoors must provide the Dog food that:
- a) reflects the Dog's daily caloric and other nutritional requirements;
  - b) is fit for consumption;
  - c) is not spoiled; and
  - d) does not contain dirt, feces, urine, or toxic substances.
- 6.6.4 An Owner of a Dog Kept Outdoors must provide continuous access to water that:
- a) is replaced at least once every twenty-four (24) hours;
  - b) is not frozen; and
  - c) does not contain dirt, feces, urine, or toxic substances.
- 6.6.5 An Owner or custodian of a Dog Kept Outdoors must ensure that the health and welfare of the Dog is checked daily.
- 6.6.6 An Owner of a Dog Kept Outdoors must ensure the Dog is groomed as necessary to avoid matting of the Dog's coat and the accumulation of ice or mud on the Dog's coat or under the Dog's paws.
- 6.6.7 An Owner of a Dog Kept Outdoors must ensure the nails of a Dog kept outdoors must be checked regularly and groomed as necessary for the health of the Dog.
- 6.6.8 A Dog shall not be Kept Outdoors if it has an illness or injury that affects the Dog's ability to regulate its temperature or restricts its mobility, unless a veterinarian advises, in writing, that it may be kept outdoors.
- 6.6.9 If the Owner or custodian of a Dog Kept Outdoors has grounds to believe the Dog is suffering from a contagious disease or is at high risk of developing a contagious disease, the Dog must be kept completely isolated from other Dogs and must not have contact with objects, including food and water containers, that are used by other Dogs or Animals.
- 6.6.10 Section 6.6.9 of this By-Law does not apply to the extent that a veterinarian advises that compliance with these requirements is unnecessary.
- 6.6.11 Notwithstanding Section 6.6.9 of this By-Law, puppies do not need to be isolated from their mother or substitute mother if they are less than twelve (12) weeks old.
- 6.6.12 Notwithstanding Section 6.6.9 of this By-Law, a Dog does not have to be isolated from other Dogs that either suffer from the same contagious disease or are at high risk of developing the same contagious disease, and the Dog does not have to be prevented from having contact with objects used by those other Dogs.
- 6.6.13 An Owner of a Dog that is Kept Outdoors must, at all times, provide the Dog with ready access to shelter that:
- a) is waterproof and provides protection from the elements;
  - b) is structurally sound, stable, and free of features or objects that might cause injury to the Dog;
  - c) has an insulated roof;

- d) has a floor that is level, elevated from the ground, and dry;
  - e) has a means of providing ventilation, which may include an open doorway;
  - f) is of a size and design that permits all of the Dogs that regularly use the shelter to turn around, lie down with their legs extended to their full extent and stand with their heads at a normal height when all of the Dogs are occupying the shelter at the same time;
  - g) has a doorway that is free from obstructions; and
  - h) contains bedding that is at least three (3) inches thick and is changed as frequently as necessary to ensure that the bedding remains comfortable and substantially clean, dry, and unsoiled.
- 6.6.14 Section 6.6.13 of this By-Law does not apply to a Livestock Guardian Dog or a Herding Dog that has ready access to a structurally sound building that, at the time, is being used to house Livestock.
- 6.6.15 A Dog that is Kept Outdoors may only be kept in a housing pen if the housing pen is constructed so that it prevents the Dog from escaping and provides reasonable protection from predatory Animals or other Animals that may harm the Dog.
- 6.6.16 The size of a housing pen for a Dog that is Kept Outdoors must meet the following requirements:
- a) If the Dog is under twenty (20) centimeters in height, the total area of the housing pen must be at least four (4) square metres;
  - b) If the Dog is equal to or greater than twenty (20) centimeters in height but under forty (40) centimeters in height, the total area of the housing pen must be at least six (6) square metres;
  - c) If the Dog is equal to or greater than forty (40) centimeters in height, the total area of the housing pen must be at least fifteen (15) square metres.
- 6.6.17 For the purposes of Section 6.6.16 of this By-Law, a Dog's height shall be determined by measuring the height of the Dog at its shoulder when it is standing at full height.
- 6.6.18 If more than one Dog is kept in a housing pen, the housing pen must provide at least the space required by Section 6.6.16 of this By-Law for the tallest Dog kept in the housing pen, plus a minimum of at least 1.5 additional square metres of space for every additional Dog that is kept in the housing pen.
- 6.6.19 Despite Section 6.6.18 of this By-Law, 1.5 additional square metres of space is not required for every additional dog that is less than twelve (12) weeks old and that is kept with its mother or substitute mother.
- 6.6.20 If more than one Dog is Kept Outdoors in the same housing pen, the Owner or custodian of the Dogs must ensure that:
- a) Dogs exhibiting aggression to other Dogs are not placed with incompatible Dogs; and
  - b) A female Dog that is in heat or coming into heat is not placed with a male Dog.
- 6.6.21 Despite Section 6.6.20 of this By-Law, a female Dog that is in heat or coming into heat may be placed in a housing pen with a male Dog solely for the time required for them to mate if the Dogs are in the physical presence of the Owner or custodian of one or more of the Dogs and that Person is monitoring the safety of the Dogs.

- 6.6.22 An Owner of a Dog Kept Outdoors that is placed in a housing pen must ensure the area available to a Dog is:
- a) Is sufficient to ensure that the Dog can move freely and engage in natural behaviours;
  - b) Is sufficient to ensure that the Dog is not required to stand, sit or lie down in excrement, urine, mud or water;
  - c) Has distinct areas for both feeding and drinking, and urinating and defecating; and
  - d) Is cleaned as frequently as necessary to prevent an accumulation of excrement, urine or other waste that would pose a risk to the Dog's health, maintain a sanitary environment, minimize the presence of parasites and ensuring the health of the Dog, using cleaning products that do not pose a risk to the Dog.

## **Part 7 – Prohibited Animal Species**

### **7.1 Part 7 Definitions**

7.1.1 The following definition is specific to Part 7 of this By-Law:

- a) **“Cause to be Sold”**, for the purposes of this By-Law, means a result, action or condition that causes a Prohibited Animal Species to be sold or made available for sale in the Town of Essex;
- b) **“Disposed of”** means the action of doing away with or destroying in a humane manner a Prohibited Animal Species;
- c) **“Ecosystem”** means a community of plants, Animals and smaller organisms that live, feed, reproduce and interact in the same area or environment;
- d) **“Medically Significant”** refers to venom or Poison that causes severe illness, permanent or temporary tissue and/or nerve damage, blood pressure irregularities and possible death in humans and domestic Animals;
- e) **“Poison”** refers to substances that cause disturbances to organisms when a sufficient quantity is absorbed by an organism;
- f) **“Poisonous”**, with specific reference to “Poisonous Animals”, means Animals that possess toxins that are dispersed in their body tissues and which are activated when the Animal is ingested;
- g) **“Prohibited Animal Species”** shall include, for the purposes of this By-Law, Animals that:
  - i) are Venomous or Poisonous and whose venom or poison is Medically Significant to humans or domestic Animals;
  - ii) pose a real or potentially hazardous threat to humans, domestic Animals or farm Animals;
  - iii) pose a real or potentially hazardous threat to the local Ecosystem;
  - iv) are cited in the Control List as published by the Canadian Wildlife Service of Environment Canada;
  - v) are listed in Schedule “B” of this By-Law attached hereto, which list may be revised from time to time; and/or
  - vi) are prohibited or controlled by federal or provincial legislation;but does not include bees as defined by the *Bees Act, R.S.O. 1990, c. B.6*;

- h) **“Sell”**, for the purposes of this By-Law, shall include the exchange of a Prohibited Animal Species for an amount of money or its equivalent;
- i) **“Transfer Ownership”**, for the purposes of this By-Law, means the transfer of a Prohibited Animal Species from one owner to another owner;
- j) **“Venom”** refers to any variety of toxins used by certain types of Animals to inject their victims; and
- k) **“Venomous”**, with specific reference to “Venomous Animals”, means any Animals that inject their victims with toxin by means of a bite, sting, or other sharp body feature.

## **7.2 Prohibited Animal Species**

- 7.2.1 No Person shall Own, Sell, or Cause to be Sold, or Transfer Ownership of a Prohibited Animal Species within the Town of Essex.
- 7.2.2 Notwithstanding Section 7.2.1 of this By-Law, any Person who, on the date of the passage of By-Law Number 1149 on December 3, 2012, was lawfully keeping a Prohibited Animal Species as defined in this By-Law may keep that Animal until the Animal has died or has otherwise been Disposed of.
- 7.2.3 No Person shall transport a Prohibited Animal Species within the Town of Essex except where Section 7.2.2 of this By-Law applies.
- 7.2.4 No Person shall allow or permit a Prohibited Animal Species to run at large within the Town of Essex.

## **7.3 Registration and Keeping of Prohibited Animal Species**

- 7.3.1 No Person shall Possess or Harbour a Prohibited Animal Species in accordance with Section 7.2.2 of this By-Law without registering such Prohibited Animal Species with the Clerk of the Town of Essex within thirty (30) days of the date that By-Law Number 1149 came into effect, and annually thereafter, and shall pay such licence fees annually as set forth in Schedule “A” attached to this By-Law.
- 7.3.2 Persons who registered Prohibited Animal Species in accordance with Section 7.3.1 of this By-Law shall register their Prohibited Animal Species annually thereafter on or before the anniversary date on which the Prohibited Animal Species was registered.
- 7.3.3 Personal information, as defined by the Municipal Freedom of Information and Protection of Privacy Act, is collected for purposes of registering a Prohibited Animal Species, in accordance with Section 7.3.1 of this By-Law under the authority of the Municipal Act and in accordance with the Municipal Freedom of Information and Protection of Privacy Act and may include:
  - a) Owner’s name, address and telephone number;
  - b) Species, colour, weight, length and name of the Prohibited Animal Species;
  - c) Any other information deemed necessary by the Clerk.

## **Part 8 – Livestock**

### **8.1 Control of Livestock within the Town of Essex**

- 8.1.1 No Owner of Livestock shall allow or permit their Livestock to run at large within the Town of Essex.

## 8.2 Livestock Deemed to be Running at Large

8.2.1 For the purposes of Part 8 of this By-Law, Livestock shall be deemed to be running at large if found in any place other than the Premises of the Owner of the Livestock and not under the control of any Person.

## 8.3 Liability for Damages

8.3.1 The Owner of any Livestock found running at large shall be liable for all damages caused by such Livestock running at large and for any expenses incurred by the Town in responding to Livestock running at large.

## Part 9 – Abandonment or Disposal of Live Animals

### 9.1 Part 9 Definitions

9.1.1 The following definition is specific to Part 9 of this By-Law:

- a) **“Abandon”**, for the purposes of Part 9 of this By-Law, means the surrender, relinquishment or cession of live Animals and/or Litters of Animals with the intention of not reclaiming them, but does not include returning a feral cat to the location it was previously trapped for the purposes of a Trap-Neuter-Release (TNR) program authorized by the Town;
- b) **“Dispose”** means the action or process of throwing away or getting rid of live Animals and/or Litters of Animals on a property;
- c) **“Express Approval”** or **“Express Permission”**, for the purposes of this By-Law, means permission provided in writing by the property owner permitting an individual or Person to Abandon or Dispose of live Animals and/or a Litter of Animals on the Property Owner’s property;
- d) **“Highway Traffic Act”** means the *Highway Traffic Act, R.S.O. 1990, c. H.8*, as amended, and the regulations thereunder;
- e) **“Licence Plate”** means the numbered plate issued by the Ontario Ministry of Transportation, or other regulatory authority if the Vehicle is registered outside of the Province of Ontario, that shows the number of the permit issued for a Vehicle in accordance with the Highway Traffic Act;
- f) **“Licence Plate Number”** means the unique number displayed on a Licence Plate issued by the Ontario Ministry of Transportation, or other regulatory authority if the Vehicle is registered outside of the Province of Ontario, and which may consist of numbers or letters or a combination thereof;
- g) **“Licence Plate Owner”** means the Person or individual registered as the owner of a Vehicle Licence Plate with the Ontario Ministry of Transportation, or other regulatory authority if the Vehicle is registered outside of the Province of Ontario, who may be a different Person than the Person named on the Motor Vehicle Permit of the Vehicle bearing a Licence Plate;
- h) **“Litter of Animals”** means the Offspring of one birth of an Animal;
- i) **“Motor Vehicle Permit”** means a permit issued by the Ontario Ministry of Transportation, or other regulatory authority if the Vehicle is registered outside of the Province of Ontario, which indicates the registered owner of a Vehicle;
- j) **“Offspring”** means the product of reproduction that results in Animal(s) produced by one or more parents;

- k) **“Property Owner”**, for the purposes of this By-Law, means the registered owner of the real property and shall include family members or a tenant of the property who may be residing at such property; and
- l) **“Vehicle”** or **“Motor Vehicle”** includes an automobile or any other device for the transportation of Persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or rad building machine within the meaning of the Highway Traffic Act.

## **9.2 Scope of Part 9**

- 9.2.1 Part 9 of this By-Law applies to all Persons, without exception, regardless of where they reside.

## **9.3 Abandonment and Disposal of Live Animals and/or Litters of Animals**

- 9.3.1 No Person shall Abandon or Dispose of a live Animal and/or a Litter of Animals on any property within the Town of Essex.

## **9.4 Responsibilities of Licence Plate Owners**

- 9.4.1 Under Part 9 of this By-Law, the Licence Plate Owner is deemed to have full and complete responsibility for the use of its Vehicle for the purposes of contravening Part 9 of this By-Law regardless of the Person or individual who is operating the Vehicle at the time of the offence.

## **9.5 Reporting the Abandonment or Disposal of Animals and/or Litters of Animals**

- 9.5.1 The prohibited Abandonment or Disposal of live Animals and/or Litters of Animals shall be reported to the By-Law Enforcement Officer during the regular business hours of the Town of Essex or by contacting the Police Service.
- 9.5.2 Information to be reported to the By-Law Enforcement Officer or the Police Service by the Property Owner shall include, at a minimum, the following:
  - a) Date and time of the Abandonment or Disposal;
  - b) The Licence Plate Number of the Vehicle responsible for Abandoning or Disposing of the live Animal(s) and/or Litter(s) of Animal(s); and
  - c) A description of the Vehicle responsible for Abandoning or Disposing of the live Animal(s) and/or Litter(s) of Animal(s), which may include information on the make, model or colour of the Vehicle.

# **Part 10 – Animals in Public Shows, Exhibitions, Performances or Circuses**

## **10.1 Part 10 Definitions**

- 10.1.1 The following definition is specific to Part 10 of this By-Law:
  - a) **“Prohibited Animal Species”** means a Prohibited Animal Species as defined in Part 7 of this By-Law and listed in Schedule “B” of this By-Law which list may be revised from time to time; and
  - b) **“Wild or Exotic Animal”** means an Animal listed in Schedule “C” of this By-Law which list may be revised from time to time.

## **10.2 Animals in Public Shows, Exhibitions, Performances or Circuses**

10.2.1 Subject to Section 10.3 of this By-Law, no Person shall operate or carry on a public show, exhibition, performance, or circus within the Town of Essex where Wild or Exotic Animals or Prohibited Animal Species are required to perform for the amusement or entertainment of an audience.

## **10.3 Exceptions to Part 10**

10.3.1 Nothing contained in this By-Law shall prohibit or restrict the following:

- a) Exhibitions or performances in which individuals ride horses, ponies or bovines;
- b) Exhibitions or performances involving Dogs, excluding Dog fights;
- c) Displays or showing of Animals in agricultural fairs, exhibitions or pet shows, and including horse pull competitions;
- d) Displays or a showing of Animals where:
  - i) the primary objective of the display or showing of Animals is to educate the audience;
  - ii) the Animals used in the display or showing are not expected to perform acts that are not natural to their species; and
  - iii) the Animals used in the display or showing are not Prohibited Animal Species as defined in this By-Law;
- e) Horse races or Dog races; or
- f) Rodeos.

## **Part 11 – Animal Feces**

### **11.1 Exception(s) to Part 11**

11.1.1 Section 11.2 of this By-Law does not apply to a handler of a Service Animal when the handler is unable to remove the feces left by such Animal due to a disability as defined under the Accessibility for Ontarians with Disabilities Act, 2005, or an impediment where such disability or impediment renders that Person unable to remove feces left by their Service Animal.

11.1.2 Section 11.2 of this By-Law does not apply to Persons with a disability, as defined under the Accessibility for Ontarians with Disabilities Act, 2005, where such disability renders that Person unable to remove feces left by their Animal.

### **11.2 Requirement to Remove Feces Left by an Animal**

11.2.1 Every Owner of an Animal shall immediately remove any feces left by the Animal in the Town of Essex on:

- a) a Highway or Roadway;
- b) a public park;
- c) a sidewalk;
- d) any Public Property other than a public park; or
- e) any Private Property other than the property of:
  - i) the Owner of the Animal;
  - ii) the Person having care, Custody, or control of the Animal; or

- iii) Private Property, where the owner of a property has provided express permission to the Owner of the Animal or the Person having care, Custody, or control of the Animal, that the removal of the Animal feces is not required.
- 11.2.2 Every Owner of an Animal shall remove from his or her Premises, in a timely manner, feces left by an Animal, so as not to disturb the enjoyment, comfort, and convenience of any Person in the vicinity of the Premises.
- 11.2.3 The provisions of Sections 11.2.1 and 11.2.2 of this By-Law apply to the Owner of an Animal regardless of whether or not the Animal was under such Owner's care and control at the time of a contravention of the provisions of these Sections.
- 11.2.4 The provisions of Section 11.2.2 shall not apply to Livestock kept for agricultural purposes where the Livestock are kept on a property in an Agricultural District as defined by the Town's Zoning By-Law Number 1037, as amended or replaced.

## **Part 12 – Offence, Penalty and Severability**

### **12.1 Fine for Contravention**

- 12.1.1 Every Person who contravenes any provision of this By-Law is guilty of an offence, and upon conviction, is liable to a penalty as provided in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended from time to time.

### **12.2 Continuation or Repetition Prohibited by Order**

- 12.2.1 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed on the Person convicted

### **12.3 Severability of Provisions**

- 12.3.1 If any section, clause, sentence or provision or any part or parts thereof of this By-Law is declared by any court of competent jurisdiction to be invalid, illegal, or ultra-vires, such section, clause, sentence or provision or part or parts thereof shall be severable and shall not affect the validity of any other section, clause, sentence, provision, or part of this By-Law.

## **Part 13 – Obstruction, Enforcement and Conflicts**

### **13.1 Obstruction**

- 13.1.1 No Person shall hinder or obstruct or attempt to obstruct any Person having authority and engaged in the enforcement of this By-Law.

### **13.2 Enforcement**

- 13.2.1 This By-Law shall be enforced by a By-Law Enforcement Officer or Animal Control Officer of the Town of Essex, a Police Officer, or any other Person appointed by Council to enforce the by-laws of the Town of Essex.

### **13.3 Conflict with Other By-Laws**

- 13.3.1 If there is a conflict between a provision of this By-Law and a provision of any other by-law of the Town of Essex, the more restrictive provision shall apply.

**Part 14 – Repeal and Enactment**

**14.1 Repeal**

14.1.1 By-Law Number 1606 and all amendments thereto are hereby repealed upon the coming into effect of this By-Law.

**14.2 Enactment**

14.2.1 This By-Law shall come into full force and effect upon the final passing thereof.

**Read a first and a second time and provisionally adopted on February 20, 2023.**

Original Signed by:

\_\_\_\_\_

Mayor

Original Signed by:

\_\_\_\_\_

Clerk

**Read a third time and finally passed on March 6, 2023.**

Original Signed by:

\_\_\_\_\_

Mayor

Original Signed by:

\_\_\_\_\_

Clerk

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## Schedule "A" to By-Law Number 1966

### Licence Fees

Type of Fee	If purchased between January 1 and March 31	If purchased between April 1 and December 31
Dog Licence Fee	\$21.10	\$42.20
Dog Licence Fee – Secondary Residence	\$10.55	\$21.10
Dog Licence Fee, new after March 31	Not Applicable	\$21.10
Service Dog	No Charge	No Charge
Police Working Dog	No Charge	No Charge
Livestock Guardian Dog	No Charge	No Charge
Herding Dog	No Charge	No Charge
Additional Licence Fee – Dangerous Dog	\$50.00	\$50.00
Replacement Dog Tag (per tag)	\$5.00	\$5.00
Prohibited Animal Species (per keeper of Prohibited Animal Species) <sup>1</sup>	\$25.00	\$25.00

<sup>1</sup> Payable annually on the anniversary date on which the Prohibited Animal Species was first registered in accordance with this By-Law.

## Schedule "B" to By-Law Number 1966

### Prohibited Animal Species

Order, Class or Family	Examples <sup>1</sup>
<b>Mammals</b>	
Canidae, excluding domestic dog	Coyotes, wolves, foxes, hybrid wolf dog
Felidae, excluding domestic cat	Tigers, leopards, cougars, lion, lynx
Non-Human Primates	Chimpanzees, gorillas, monkeys, lemurs
Proboscidae	Elephant
Ursidae	Bears
<b>Reptiles</b>	
Crocodylia	Alligators, crocodiles, gavials, caiman
All snakes which reach an adult length larger than 3 metres	Reticulated python, Burmese python, green anaconda, yellow anaconda, African rock python, Indian python, amethyst python
All lizards which reach an adult length larger than 2 metres, measured from snout to tip of tail	Crocodile lizard, monitor lizard

<sup>1</sup> The examples provided are only provided as a guide and shall not be considered to include all Prohibited Animal Species within an Animal order, class or family.

## Schedule “C” to By-Law Number 1966

### Wild or Exotic Animals

The following list of animals constitutes the definition of “Wild or Exotic Animals” for the purposes of this By-Law. The list includes all such Animals, whether bred in the wild or in captivity and also includes all their hybrids. The examples provided are only provided as a guide and shall not be construed as being an exhaustive list or to otherwise limit the generality of each group of Animals.

Order, Class or Family	Examples <sup>1</sup>
Non-human primates	Gorillas, monkeys
Felids, except domestic cats	Tigers, leopards, lions
Canis, except domestic dogs	Jackals, wolves, coyotes
Ursids	Bears
Elephants	
Pinnipedia	Seals, walruses
Crocodylians	Alligators, crocodiles
Marsupials	Kangaroos, opossums
Ungulates, except domestic horses, mules, asses, goats, sheep, pigs, cattle, llama, and alpacas	Giraffes, rhinoceroses, camels
Hyenas	
Mustelines, except domestic ferrets	Skunks, weasels, otters, badgers
Procyonidae	Raccoons, coatis
Edentates	Anteaters, sloth, armadillos
Viverrines	Mongoose, civets, genets
Chiroptera	Bats
Rodentia, except domesticated rodents such as mice, rats, guinea pigs and gerbils	Porcupines, prairie dogs
Erinaceidae	Hedgehogs
Cetecea	Beluga whales, orca whales, dolphins
Testudines	Turtles, tortoises, terrapins
Snakes	

**THE CORPORATION OF THE TOWN OF ESSEX**  
**SCHEDULE "D" TO BY-LAW NUMBER 1966**  
**PART 1 PROVINCIAL OFFENCES ACT**

**By-Law Number 1966: Being a by-law to regulate, license and control animals within the municipal boundaries of the Town of Essex**

<b>Item</b>	<b>COLUMN 1</b> Short Form Wording	<b>COLUMN 2</b> Provision Creating or Defining Offence	<b>COLUMN 3</b> Set Fine
1.	Own Dog without Licence and dog tag	Section 3.1.1	\$125.00
2.	Failure to affix dog tag to Dog's Collar	Section 3.2.3	\$125.00
3.	Affix dog tag to Dog other than one for which tag issued	Section 3.2.4	\$150.00
4.	Provide falsified evidence that a Dog is a (Service Dog)(Police Working Dog)	Section 3.2.6	\$150.00
5.	Misrepresent a Dog as a Livestock Guardian Dog	Section 3.2.6	\$150.00
6.	Failure to purchase a replacement dog tag	Section 3.2.7	\$125.00
7.	Failure to notify of death of Dog	Section 3.3.1	\$100.00
8.	Failure to notify of (move)(transfer) of Dog	Section 3.3.2	\$100.00
9.	Own in excess of three Dogs	Section 3.4.1	\$125.00
10.	Foster Dog for more than 90 days	Section 3.4.6	\$125.00
11.	Foster more than three dogs without authorization	Section 3.4.7	\$125.00
12.	Dog Owner permitting a Dog to Run at Large	Section 3.6.1	\$200.00
13.	Dog not on Leash when off Premises of the Owner	Section 3.6.5	\$100.00
14.	Dog on Leash in excess of two metres in length	Section 3.6.5	\$100.00
15.	Dog on Splash Pad	Section 3.7.1	\$200.00
16.	Dog Owner permitting Dog to (injure)(attack)(Bite)(kill) a (Person)(domestic Animal) Without Provocation	Section 4.3.1	\$250.00
17.	Failure to Restrain Dangerous Dog on Owner's property	Section 4.8.1 a)	\$250.00
18.	Failure to Leash a Dangerous Dog off Owner's property	Section 4.8.1 b) i)	\$250.00
19.	Dangerous Dog off Owner's property on Leash over one and one-half metres in length	Section 4.8.1 b) i)	\$250.00
20.	Failure to Muzzle a Dangerous Dog off Owner's property	Section 4.8.1 b) ii)	\$250.00
21.	Dangerous Dog under the control of Person less than 18 years of age	Section 4.8.1 b) iii)	\$250.00
22.	Failure to pay additional Licence fee for Dangerous Dog	Section 4.8.1 c)	\$250.00
23.	Failure to notify of changes in residency of Dangerous Dog	Section 4.8.1 d)	\$250.00

**THE CORPORATION OF THE TOWN OF ESSEX**  
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Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
24.	Failure to notify of transfer of Ownership of Dangerous Dog	Section 4.8.1 e)	\$250.00
25.	Failure to notify of (death)(euthanasia) of Dangerous Dog	Section 4.8.1 f)	\$250.00
26.	Failure by Owner of Dangerous Dog to provide proof of insurance	Section 4.8.1 g)	\$250.00
27.	Failure to place warning signage on property of Dangerous Dog Owner	Section 4.8.1 h)	\$250.00
28.	Allowing a Dangerous Dog to enter an Off Leash Area	Section 4.8.1 i)	\$250.00
29.	Failure to ensure Dangerous Dog is wearing red dog tag	Section 4.8.1 j)	\$250.00
30.	Failure to ensure an Animal is Treated Humanely	Section 6.2.1	\$250.00
31.	Failure to provide an Animal with a clean and sanitary environment	Section 6.2.1 a)	\$250.00
32.	Failure to provide an Animal with a waterproof shelter that protects it from the elements	Section 6.2.1 b)	\$250.00
33.	Failure to provide an Animal with shelter that is adequate and appropriate for its size	Section 6.2.1 c)	\$250.00
34.	Failure to provide an Animal with (care)(food)(water)(veterinary care)	Section 6.2.1 d)	\$250.00
35.	Keep an Animal in an Unsanitary Condition	Section 6.3.1	\$250.00
36.	Length of tether not appropriate for species tethered	Section 6.4.1 a)	\$200.00
37.	Animal tethered for longer than four hours per day	Section 6.4.1 c)	\$250.00
38.	Tether of dog less than three metres in length	Section 6.4.2	\$100.00
39.	Length of tether allows Dog to go beyond the limits of Owner's property	Section 6.4.2	\$100.00
40.	(Choke Collar)(Choke Chain)(Prong Collar) forms part of tether	Section 6.4.3	\$200.00
41.	Animal outside the passenger cab of a vehicle and not appropriately restrained	Section 6.5.1	\$200.00
42.	Animal left unattended in a vehicle when weather conditions not suitable	Section 6.5.3	\$200.00
43.	Failure by Owner of Dog Kept Outdoors to provide sufficient protection from the elements	Section 6.6.1 a)	\$250.00
44.	Failure by Owner of Dog Kept Outdoors with access to sufficient shade	Section 6.6.1 b)	\$250.00
45.	Failure by Owner of Dog Kept Outdoors to ensure food and water containers are constructed to avoid injury	Section 6.6.2	\$250.00
46.	Food provided by Owner of Dog Kept Outdoors does not reflect nutritional requirements	Section 6.6.3 a)	\$250.00

**THE CORPORATION OF THE TOWN OF ESSEX**  
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**By-Law Number 1966: Being a by-law to regulate, license and control animals within the municipal boundaries of the Town of Essex**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
47.	Food provided by Owner of Dog Kept Outdoors is not fit for consumption	Section 6.6.3 b)	\$250.00
48.	Food provided by Owner of Dog Kept Outdoors is spoiled	Section 6.6.3 c)	\$250.00
49.	Food provided by Owner of Dog Kept Outdoors contains (dirt)(feces)(urine)(toxic substances)	Section 6.6.3 d)	\$250.00
50.	Water provided by Owner of Dog Kept Outdoors is not replaced every twenty-four hours	Section 6.6.4 a)	\$250.00
51.	Water provided by Owner of Dog Kept Outdoors is frozen	Section 6.6.4 b)	\$250.00
52.	Water provided by Owner of Dog Kept Outdoors contains (dirt)(feces)(urine)(toxic substances)	Section 6.6.4 c)	\$250.00
53.	Failure by Owner of Dog Kept Outdoors to check health and welfare of Dog daily	Section 6.6.5	\$250.00
54.	Failure by Owner of Dog Kept Outdoors to ensure Dog is groomed	Section 6.6.6	\$250.00
55.	Failure by Owner of Dog Kept Outdoors to ensure nails of Dog are checked regularly	Section 6.6.7	\$250.00
56.	Dog Kept Outdoors when it has a serious illness or injury	Section 6.6.8	\$250.00
57.	Failure by Owner to isolate Dog Kept Outdoors when it has a contagious disease	Section 6.6.9	\$250.00
58.	Failure by Owner of Dog Kept Outdoors to provide shelter that is waterproof	Section 6.6.13 a)	\$250.00
59.	Failure by Owner of Dog Kept Outdoors to provide shelter that is structurally sound	Section 6.6.13 b)	\$250.00
60.	Failure by Owner of Dog Kept Outdoors to provide shelter that has an insulated roof	Section 6.6.13 c)	\$250.00
61.	Failure by Owner of Dog Kept Outdoors to provide shelter that has a (level)(elevated)(dry) floor	Section 6.6.13 d)	\$250.00
62.	Failure by Owner of Dog Kept Outdoors to provide shelter that has ventilation	Section 6.6.13 e)	\$250.00
63.	Failure by Owner of Dog Kept Outdoors to provide shelter that is of adequate size and design	Section 6.6.13 f)	\$250.00
64.	Failure by Owner of Dog Kept Outdoors to provide shelter that has a doorway free from obstructions	Section 6.6.13 g)	\$250.00
65.	Failure by Owner of Dog Kept Outdoors to provide shelter that contains bedding at least three inches thick	Section 6.6.13 h)	\$250.00
66.	Dog Kept Outdoors in a housing pen that does not prevent the Dog from escaping	Section 6.6.15	\$250.00
67.	Dog Kept Outdoors in a housing pen that does not provide reasonable protection from predators	Section 6.6.15	\$250.00
68.	Area available to Dog Kept Outdoors not sufficient for Dog to move freely	Section 6.6.22 a)	\$250.00
69.	Area available to Dog Kept Outdoors does not have distinct areas for feeding and drinking, urinating and defecating	Section 6.6.22 c)	\$250.00

**THE CORPORATION OF THE TOWN OF ESSEX**  
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**PART 1 PROVINCIAL OFFENCES ACT**

**By-Law Number 1966: Being a by-law to regulate, license and control animals within the municipal boundaries of the Town of Essex**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
70.	Area available to Dog Kept Outdoors is not cleaned when necessary	Section 6.6.22 d)	\$250.00
71.	Area available to Dog Kept Outdoors cleaned using cleaning products harmful to Dog	Section 6.6.22 d)	\$250.00
72.	Own, Keep, Harbour, Possess or have Custody of a Prohibited Animal Species	Section 7.2.1	\$300.00
73.	(Sell)(Cause to be Sold) a Prohibited Animal Species	Section 7.2.1	\$500.00
74.	Transfer Ownership of a Prohibited Animal Species	Section 7.2.1	\$500.00
75.	Transport a Prohibited Animal Species	Section 7.2.3	\$300.00
76.	Permit a Prohibited Animal Species to run at large	Section 7.2.4	\$500.00
77.	Owner of Livestock permitting Livestock to run at large	Section 8.1.1	\$200.00
78.	Abandonment or Disposal of (a live Animal)(live Animals)(Litter of Animals)	Section 9.3.1	\$500.00
79.	Operate or carry on a (public show)(exhibition)(performance)(circus) with Wild or Exotic Animals performing	Section 10.2.1	\$300.00
80.	Operate or carry on a (public show)(exhibition)(performance)(circus) with Prohibited Animal Species performing	Section 10.2.1	\$300.00
81.	Failure to remove feces left by an Animal on (Highway)(Roadway)	Section 11.2.1 a)	\$150.00
82.	Failure to remove feces left by an Animal on public park	Section 11.2.1 b)	\$150.00
83.	Failure to remove feces left by an Animal on sidewalk	Section 11.2.1 c)	\$150.00
84.	Failure to remove feces left by an Animal on Public Property other than park	Section 11.2.1 d)	\$150.00
85.	Failure to remove feces left by an Animal on Private Property other than Owner	Section 11.2.1 e)	\$150.00
86.	Failure to remove feces left by an Animal on Premises of Owner	Section 11.2.2	\$150.00

**Note:** The general penalty provision for the offences indication above is Section 12.1.1 of By-Law Number 1966, a certified copy of which has been filed.