

The Corporation of the Town Of Essex

By-Law Number 1606

Being a By-Law to Regulate, Licence and Control Animals within the municipal boundaries of the Town of Essex.

Whereas Sections 9 and 11 of the Municipal Act, 2001, S.O. 2001, c.25 (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 any class of persons or services or activities provided or done by or on behalf of it;

And Whereas, 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 licencing 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 Council of the Town of Essex is desirous of ensuring that animals are kept and treated in a humane manner and that owners of animals provide good quality care to them;

And Whereas 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;

And Whereas By-Law Number 1572 is hereby repealed as of the date and time of this By-Law coming into effect;

And Whereas, By-Law Number 1606 shall come into force and take effect on the date that the Order from the Ontario Court of Justice establishes the effective date for purposes of Set Fines, Provincial Offences Act, Part 1.

Now therefore The Corporation of the Town of Essex enacts as follows:

Part 1 - Interpretation

1.01 Short Title

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

1.02 Definitions

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

"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;

"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;

"Cat" or **"Domestic Cat"** means a feline of the species *Felis catus*;

"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;

"Clerk" shall mean the Clerk of the Corporation of the Town of Essex;

"Collar" means a strap which is placed around an animal's neck, to which a leash, restraining device or tag may be attached;

"Corporation" means The Corporation of the Town of Essex;

"Council" means the Council for The Corporation of the Town of Essex;

"Custody" means the protective care or guardianship of someone or something;

"Dog" or **"Domestic Dog"** means a canine of the species *Canis familiaris*;

“Dog Kennel” means a building or structure or part thereof whereby dogs are kept for remuneration for the purpose of breeding, boarding, housing, feeding and/or maintenance;”

“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;

“Harbour” means to give shelter to;

“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;

“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;

“Impound” means to seize and take custody of an animal in a pound or shelter;

“Kennel” means a structure or shelter in which an animal is kept;

“Keep”, for purposes of this By-Law, means to have temporary or permanent control or possession of an animal;

“Lakeshore Dog Pound” means the pound which is jointly funded and managed by the Towns of Essex, Lakeshore, Lasalle and Tecumseh and receives stray dogs captured by the Town of Essex Animal Control Officer as well as the Animal Control Officers of the other funding municipalities;

“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;

“Licence”, for purposes of this By-Law means 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;

“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.

“Municipal Act, 2001” means the Municipal Act, 2001, S.O. 2001, c.25, as amended and any regulations thereunder;

“Municipal Freedom of Information and Protection of Privacy Act” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter M.56, as amended and any regulations thereunder;

“Municipality” includes all property located within the municipal boundaries of The Corporation of the Town of Essex;

“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.

“Operate” means to perform a function;

“Own” means to keep, harbour, possess or have custody of an animal;

“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 18 years, owner means the person responsible for the custody of the minor;

“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;

“Police Working Dog” means a dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency;

“Possess” means to have or own something;

“Possession” means the state of having, owning, or controlling something;

“Premises” includes a dwelling unit, a house or building and the land or premises on which the building or house is situated or attached;

“Private Property”, for purposes of this By-Law means 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;

“Public Property”, for purposes of this By-Law, means real property owned by a government or a government agency, division or entity and includes property owned by the Town of Essex;

“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;

“Running at Large” with reference to a dog means being 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 being under the immediate charge and control of a responsible person by means of a leash;

“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;

“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—

- g) If it is readily apparent that the animal is used by the person for the reasons relating to his or her disability; or
- h) If the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability;

“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.

“Tethered”, for purposes of this By-Law, means 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;

“Town” or the **“Town of Essex”** means The Corporation of the Town of Essex; and

“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.

1.03 **Headings**

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

Part 2 - Scope of By-Law

2.01 This By-Law applies throughout the Municipality with the following exceptions:

- i) An animal pound or a 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 an affiliated Society; or,
 - iii) Is a pound or shelter operated by a municipality.
- j) 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;
- k) Premises registered as a research facility pursuant to the Animals for Research Act, R.S.O. 1990, c.A-22;
- l) 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;
- m) Any Wildlife Rehabilitation Centre registered with the Ontario Ministry of Natural Resources under the Fish and Wildlife Conservation Act ; or,
- n) 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 - Licencing and Control of Dogs

3.01 **Requirement to Licence Dogs**

3.01.1 No person shall own a dog, including a Service Dog or a Police Working Dog, over six months of age within the Town of Essex unless such dog has been licenced with the Town of Essex in accordance with this By-Law and a dog tag has been purchased;

- 3.01.2 Dogs shall be licenced annually between January 1 and March 31 based on the licencing rates as outlined in Schedule "A" attached hereto;
- 3.01.3 Licence fees for spayed or neutered dogs shall be payable at the discounted rate as outlined in Schedule "A" attached hereto upon the owner providing proof that is satisfactory to the Clerk of such animal being spayed or neutered;
- 3.01.4 A separate licence is required for each dog owned by a person;
- 3.01.5 After March 31st and June 30th in any given year, prices for dog licences shall increase in accordance with Schedule "A" attached hereto;
- 3.01.6 Where a dog becomes of licenceable age after March 31 in any given year, the fee shall be charged at the rate applicable for the period January 1 to March 31 as outlined in Schedule "A" attached hereto provided such licence is purchased within 30 days of the dog becoming of licenceable age;
- 3.01.7 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 rate applicable for the period January 1 to March 31 as outlined in Schedule "A" attached hereto;
- 3.01.8 Notwithstanding Sections 3.01.6 and 3.01.7, the fee applicable to dogs which become of licenceable age or a dog which is purchased or adopted after July 1 in any given year shall be as outlined in Schedule "A" attached hereto, providing such licence is purchased within thirty (30) days of the dog becoming of licenceable age or being purchased or adopted;
- 3.01.9 A person who has a secondary residence in the Town of Essex and has purchased a unexpired dog licence from the municipality in which their primary residence is located, shall licence their dog with the Town of Essex based on the licence rates outlined 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 an unexpired licence from another municipality, with such proof to be to the satisfaction of the Clerk;
- 3.01.10 Notwithstanding Sections 3.01.6, 3.01.7 and 3.01.8, where a licence is not purchased within thirty days of:
- i) A dog becoming of licenceable age after March 31, with reference to Section 3.01.6; or
 - ii) A dog is purchased or adopted after March 31, with reference to Section 3.01.7; or
 - iii) A dog becomes of licenceable age after July 1 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 per Schedule "A" attached hereto;

3.01.11 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, 2001 and in accordance with the Municipal Freedom of Information and Protection of Privacy Act and may include:

- iv) Owner's name, address and telephone number;
- v) Breed, colour and name of the dog being licenced;
- vi) Proof of spay and neuter and rabies vaccination, if available; and
- vii) Any other information deemed necessary by the Clerk.

3.02 **Dog Tags**

3.02.1 A dog licence, in the form of a dog tag bearing a serial number, the year for which it was issued and the words "Dog Tag" and "Town of Essex", shall be issued by the Clerk or person(s) designated by the Clerk for each dog licenced;

3.02.2 Every dog tag issued by the Clerk shall expire on the thirty-first day of December of the year for which it was issued;

3.02.3 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;

3.02.4 No person shall put on or affix to a dog a tag, unless the same is issued for such dog;

3.02.5 Upon obtaining satisfactory evidence that a dog is a Service Dog or a Police Working Dog, the Clerk shall issue a dog licence in the form of a dog tag in accordance with the licence fees outlined in Schedule "A" attached hereto;

3.02.6 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 rate outlined in Schedule "A" attached hereto; and

3.02.7 Licences issued under Part 3 of this By-Law are not transferrable.

3.03 **Requirement to Report Information Related to a Licenced Dog**

3.03.1 Every person who owns a licenced dog shall advise the Town of Essex of the death of the licenced dog within thirty (30) days of the dog's death; and

3.03.2 Every person who owns a licenced dog shall advise the Town of Essex of the moving of a licenced dog to a new address or transfer of the dog to a new owner within thirty (30) days of the move or transfer.

3.04 Number of Dogs

3.04.1 No person or household shall own in excess of three dogs at any one time;

3.04.2 Section 3.04.1 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.

3.04.3 Section 3.04.1 shall not apply to a person who owns, operates or keeps a dog kennel for which a dog kennel licence has been issued by the Town of Essex;

3.04.4 Section 3.04.1 shall not apply to a person who owns or operates a pet shop;

3.04.5 Notwithstanding Section 3.04.1, if a dog has a litter, the owner shall, within six months of birth of the litter, take the necessary steps to comply with Section 3.04.1;

3.04.6 Notwithstanding Section 3.04.2, no person shall foster a dog for a period exceeding ninety (90) days; and

3.04.7 Notwithstanding Section 3.04.2, no person or household shall foster more than three 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.

3.05 Control of Dogs within the Town of Essex

3.05.1 No owner of a dog shall allow a dog to run at large within the Town of Essex;

3.05.2 Every dog which is found within the Town of Essex off the premises on which it is usually kept, with or without a dog tag, and not being under the immediate 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 Lakeshore Dog Pound;

3.05.3 A dog which has been impounded at the Lakeshore Dog Pound will be sold, euthanized or disposed of in accordance with the Animals for Research Act if not claimed from the Lakeshore Dog Pound by the Owner thereof within three days, excluding holidays, following the day on which the dog was impounded;

3.05.4 Where a dog is claimed from the Poundkeeper of the Lakeshore Dog Pound, the Poundkeeper shall release the dog to the Owner only upon receipt of:

- i) Proof that the claimant owns the dog;
- ii) Proof that the dog is properly licenced by the Town in which the dog resides; and
- iii) Proof of payment of all fees, fines and veterinary expenses incurred with respect to the dog.

3.05.5 No person shall keep a dog off the premises of the owner unless such dog is on a leash which shall not exceed two metres in length;

3.05.6 Notwithstanding Section 3.05.5, when a person is legally hunting wildlife, that person may keep a dog under physical control by means other than a leash; and

3.05.7 Notwithstanding Subsection 3.05.1, 3.05.2 and 3.05.5 to this By-Law, the Owner of a dog is permitted to have a dog off-leash in an area, designated by signage, that permits dogs to be kept off-leash, providing that the 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 animals develop.

3.06 **Dogs in Prohibited Areas**

3.06.1 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

4.01 **Part 4 Definitions**

The following definitions are specific to Part 4 of this By-Law:

“Appeal Committee” means a committee comprised of three members of Council to conduct hearings with respect to muzzling requirements for a dog;

“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;

“Bite” (verb) or **“Bitten”** means to:

- a) to cut, puncture, wound, tear or bruise with teeth;
- b) to sever with teeth; or
- c) to grip with teeth.

“Dangerous dog” means a dog, which has, without provocation, regardless of age and whether on private or public property:

- a) injured, attacked, bitten or killed a person or a domestic animal;
- b) damaged or destroyed any public or private property;
- c) been declared dangerous or vicious in another municipality in Ontario;

“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 mouth of the dog, but that is of sufficient strength to prevent the dog from biting;

“Notice to Muzzle” means an notice issued by the Animal Control Officer, By-Law Enforcement Officer or Ontario Provincial 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;

“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;

“Victim” for purposes of this By-Law means the person or domestic animal who is injured, attacked, bitten or killed as a result of dangerous dog; and

“Without Provocation” means that the dog has not been incited or induced to behave aggressively because:

- a) the dog was acting in defense of an attack on itself by a person or domestic animal;
- b) 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,
- c) the dog was being teased, provoked or tormented.

“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.

4.02 **Exception(s) to Part 4**

Part 4 of this By-Law does not apply to Police Working Dogs.

4.03 **Control of Dangerous Dogs**

4.03.1 No Owner of a dog shall permit such dog to injure attack, bite or kill, without provocation, a person or domestic animal.

4.04 **Declaration Regarding a Dangerous Dog**

4.04.1 Incidents involving a Dangerous Dog shall be reported to the Ontario Provincial Police within forty-eight (48) hours of the occurrence of the incident.

4.04.2 At the time of reporting an incident to the Ontario Provincial Police, the individual reporting the incident shall be required to obtain the name and badge number of the investigating Police Officer(s) for purposes of completing a Declaration Regarding a Dangerous Dog in accordance with subsection 4.04.3 of this By-Law.

4.04.3 A Declaration Regarding a Dangerous Dog shall be completed by a witness to the incident in the form prescribed by the Clerk and shall include, but will not be limited to, the following information:

- i) Name of the Owner of the dangerous dog;
- ii) Name, address and telephone number of the victim or the witness to the incident involving the dangerous dog;
- iii) Description of the dangerous dog, including breed, age and sex, if known, colour and other distinguishing features of the dog;
- iv) The municipal dog tag number and rabies tag number, if available;
- v) Date and time of incident, location where incident occurred and description of incident
- vi) Name of other witnesses and agencies involved, if applicable;
- vii) Signature of witness or victim; and
- viii) Name and badge number of Ontario Provincial Police Officer(s) who investigated the incident.

4.04.4 The witness shall provide any additional evidence related to the incident to the Ontario Provincial Police Officer investigating the incident when the Declaration is completed and signed by the witness and the investigating Ontario Provincial Police Officer:

- i) Pictures of the injury or damage caused by a dog, with date and time stamp noted on the picture;
- ii) Picture of the dog;
- iii) Information regarding treatment required from a person in the medical profession;
- iv) Any other information deemed to be pertinent to the incident.

4.05 **Power to Declare a Dog Dangerous**

4.05.1 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.

4.06 **Notice to Muzzle**

4.06.1 Within two 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;

4.06.2 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; and

4.06.3 The Notice to Muzzle will be deemed to have been served on the day it was hand delivered to the owner or within three business days of the date it was sent by registered mail.

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

4.07.1 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;

4.07.2 An application for a hearing under Subsection 4.07.1 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 days after the Notice to Muzzle has been served;

4.07.3 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 Appeal 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 days written notice by hand delivery, email or registered mail of the time, date and location of the hearing;

4.07.4 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;

- 4.07.5 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 days prior to the hearing by 12:00:00 p.m.;
- 4.07.6 Any evidence so provided to the Clerk in accordance Section 4.07.5 shall be delivered to the members of the Appeal Committee, the Owner of the dangerous dog, the victim and/or the person who witnessed the Dangerous Dog by the Clerk forty-eight hours prior to the hearing;
- 4.07.7 When the Owner of the dog that has been declared dangerous does not attend the hearing at the proper place and time, the Appeal Committee may proceed with the hearing in his or her absence and the Owner of the dog that has been declared dangerous shall not be entitled to any further notice of the proceeding;
- 4.07.8 The Appeal 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;
- 4.07.9 A decision of the Appeal 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;
- 4.07.10 If the parties to the Hearing consent, the hearing may be disposed of by a decision of the Appeal Committee without a hearing;
- 4.07.11 The decision of the Appeal Committee shall be final and binding;
- 4.07.12 The notice of the hearing or any matter which arises related to the proceedings of the Appeal Committee not covered in the provisions of this By-Law shall be governed by the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22;
- 4.07.13 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 4.06.2, on the Owner of the dog and the Notice to Muzzle shall remain in effect until the Appeal Committee has made its decision on the appeal; and
- 4.07.14 A written copy of the decision of the Appeal 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 the Owner of the dog that has been declared dangerous at the address shown on their Application, the victim and/or the person who completed the Declaration Regarding a Dangerous Dog, the Ontario Provincial Police, the Windsor-Essex County Health

Unit, the Windsor Essex County Humane Society, the Animal Control Officer or the By-Law Enforcement Officer, Members of Council, the Appeal Committee members and the Clerk.

4.08 **Requirements of Dog Owner - Notice to Muzzle**

4.08.1 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 for "restrained" as outlined in Section 4.01 – Part 4 Definitions;
- 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) metre and of sufficient strength to restrain the dog and keep it from chasing a person or a domestic animal;
 - ii. muzzle the dog; and
 - iii. ensure the dog is under the control of a person eighteen years of age or older.
- c) Within three business days after being served a Notice to Muzzle, pay to the Town of Essex the additional licence fee for dangerous dogs as outlined in Schedule "A" attached to this By-Law;
- d) Notify the Clerk in writing within forty-eight hours of any changes to the residency of the Dangerous Dog;
- e) Notify the Clerk in writing within forty-eight hours after the ownership of the Dangerous Dog is transferred to another person;
- f) Notify the Clerk in writing within forty-eight 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 One Million Dollars (\$1,000,000.00) with such insurance policy being endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without providing thirty days written notice to the Clerk of the Town of Essex;
- h) Within three 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; and

- 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.

4.09 Appeal Hearing with Respect to Suspension of a Notice to Muzzle

- 4.09.1 One year following the issuance of a Notice to Muzzle, or such other times specified by the Appeal Committee as part of an Appeal Hearing with Respect to 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 to the Appeal Committee for the suspension of the Notice to Muzzle;
- 4.09.2 An application for a hearing with respect to the suspension of a Notice to Muzzle under Subsection 4.09.1 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;
- 4.09.3 Upon receipt of the application for a hearing with respect to the suspension of a Notice to Muzzle from an Owner of a dog that has been declared dangerous, the Clerk shall convene a meeting of the Appeal 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 days written notice by hand delivery, email or registered mail of the time, date and location of the hearing;
- 4.09.4 Any evidence so provided to the Clerk in accordance Section 4.09.2 shall be delivered to the members of the Appeal Committee, and the victim and/or person who witnessed the dangerous dog by the Clerk forty-eight hours prior to the hearing;
- 4.09.5 When the Owner of the Dangerous Dog does not attend the hearing at the proper place and time, the Appeal Committee may proceed with the hearing in his or her absence and the Owner of the dog that has been declared dangerous shall not be entitled to any further notice of the proceeding;
- 4.09.6 The Appeal 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;
- 4.09.7 A decision of the Appeal Committee 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;

- 4.09.8 If the parties to the Hearing consent, the Hearing may be disposed of by a decision of the Appeal Committee without a hearing;
- 4.09.9 The decision of the Appeal Committee shall be final and binding;
- 4.09.10 The notice of the Hearing or any matter which arises related to the proceedings of the Appeal Committee not covered in the provisions of this By-Law shall be governed by the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22;
- 4.09.11 A written copy of the decision of the Appeal 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 the Owner of the dog that has been declared dangerous at the address shown on their Application, the victim and/or person who completed the Declaration Regarding a Dangerous Dog, the Ontario Provincial Police, the Windsor-Essex County Health Unit, the Windsor Essex County Humane Society, the Animal Control Officer or the By-Law Enforcement Officer, Members of Council, the Appeal Committee members and the Clerk.

Part 5 – Dog Kennels

5.01 Requirement to Licence Dog Kennels

- 5.01.1 No person shall own, operate or keep a Dog Kennel unless such Dog Kennel has been licenced with the Town of Essex; and
- 5.01.2 Dog Kennels shall be licenced annually between January 1 and March 31 based on the licencing rates as outlined in Schedule A attached hereto;
- 5.01.3 After March 31st and June 30th prices for Dog Kennel licences shall increase in accordance with Schedule A attached hereto; and
- 5.01.4 Personal information, as defined by the Municipal Freedom of Information and Protection of Privacy Act, is collected for purposes of obtaining a Dog Kennel licence under the authority of the Municipal Act, 2001 and in accordance with the Municipal Freedom of Information and Protection of Privacy Act and may include:
- i) Owner's name, address and telephone number;
 - ii) Proof of registration with the Canadian Kennel Club In the case of dog kennels that are being operated for the purpose of breeding dogs; and
 - iii) Any other information deemed necessary by the Clerk.

5.02 Dog Kennel Licences

- 5.02.1 A Dog Kennel licence, as well as the requested number of dog tags bearing a serial number, the year for which it was issued and the words “Dog Tag” and “Town of Essex”, shall be issued by the Clerk or person(s) designated by the Clerk for each Dog Kennel licenced;
- 5.02.2 Every Dog Kennel licence issued by the Clerk shall expire on the thirty-first day of December of the year for which it was issued;
- 5.02.3 Every owner of a licenced Dog Kennel shall display the Dog Kennel licence issued by the Town in a location that is visible to anyone approaching the Dog Kennel;
- 5.02.4 Licences issued under Part 6 of this By-Law are not transferrable.

5.03 **Dog Kennels**

- 5.03.1 Prior to establishing a Dog Kennel being operated for the purpose of breeding dogs, every person shall advise the Clerk, in writing, of their intention to establish such a Dog Kennel and shall provide, at the same time, documentation that clearly illustrates that the applicant is registered with the Canadian Kennel Club;
- 5.03.2 Prior to issuing a licence for a Dog Kennel that is being licenced for the first time, the By-Law Enforcement Officer for the Town of Essex shall visit the site to ensure that it meets the requirements of the Town’s Zoning By-Law;
- 5.03.3 No Dog Kennel may be established except where it is permitted and in the manner prescribed under the applicable Zoning By-Law in force from time to time;
- 5.03.4 A Dog Kennel which is not entirely within a dwelling shall be a minimum of sixty metres (two hundred feet) from a dwelling not on the same property as the Dog Kennel;
- 5.03.5 Dog Kennels may be subject to inspection from time to time by the By-Law Enforcement Officer and where, in the opinion of the By-Law Enforcement Officer, the Dog Kennel is not being kept in the manner prescribed by the Dog Kennel licence issued under Section 6.02, the owner of such kennel will be required to meet the requirements within three days, failing which the Dog Kennel licence will be revoked; and
- 5.03.6 Every Dog Kennel shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent odours therefrom and shall be kept free of flies and vermin at all times.

Part 6 – Keeping of Pets

6.01 **Part 6 Definition**

The following definition is specific to Part 6 – “Keeping of Pets” of this By-Law:

“Treated Humanely”, means that animals are treated in a manner that is characterized by tenderness, compassion and sympathy so as not cause physical injury, suffering or distress, including mental distress, to an animal

6.02 **Responsibility to Care for Animals**

6.02.1 Every person who owns or has custody of an animal within the Town of Essex shall ensure that such animal is treated humanely and is provided with:

- i. a clean and sanitary environment free from an accumulation of fecal matter;
- ii. a shelter that is waterproof and that protects it from exposure to the elements;
- iii. a shelter for the animal that is adequate and appropriate for its size and breed; and
- iv. 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.

6.03 **Keeping Animals in Unsanitary Conditions**

6.03.1 No person shall keep an animal within the Town of Essex in an unsanitary condition.

6.04 **Tethers**

6.04.1 No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:

- i. The tether is of appropriate length for the species tethered;
- ii. The animal has unrestricted movement within the range of such tether;
- iii. The animal is not tethered for longer than **ten (10) hours per day**;
- iv. The animal has access to water, food and shelter while tethered; and
- v. The animal cannot injure itself as a result of the tethering.

6.04.2 Notwithstanding Subsection 6.04.1, in the case of dogs, the tether shall be a minimum of three metres in length, provided the tether does not permit the animal to go beyond the limits of the dog owner’s property; and

6.04.3 Notwithstanding Subsection 6.04.1, no person shall keep an animal tethered 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 an animal's neck.

6.05 **Animals in Vehicles**

6.05.1 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;

6.05.2 Notwithstanding Section 6.05.1, 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.

6.05.3 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; and,

6.05.4 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.

Part 7 – Prohibited Animal Species

7.01 **Part 7 Definitions**

The following definitions are specific to Part 7 – “Prohibited Animal Species” of this By-Law.

“Cause to be sold” for 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;

“Disposed of” means the action of doing away with or destroying in a humane manner a prohibited animal species;

“Eco-System” means a community of plants, animals and smaller organisms that live, feed, reproduce and interact in the same area or environment;

“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;

“Poison” refers to substances that cause disturbances to organisms when a sufficient quantity is absorbed by an organism;

“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;

“Prohibited Animal Species”, for purposes of this by-law, shall include 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 eco-system;
- iv. are cited in the Control List as published by the Canadian Wildlife Service of Environment Canada;
- v. are listed in Schedule “B” to this By-Law, 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 in the Bees Act R.S.O. 1990 C. B6;

“Sell” for purposes of this By-Law shall include the exchange of a prohibited animal species for an amount of money or its equivalent;

“Transfer Ownership” for purposes of this By-Law means the transfer of a prohibited animal species from one owner to another owner;

“Venom” refers to any variety of toxins used by certain types of animals to inject their victims;

“Venomous”, with reference to “Venomous Animals”, means any animals that inject their victims with toxin by means of a bite, sting, or other sharp body feature;

7.02 **Prohibited Animal Species**

- 7.02.1 No person shall own, Sell or cause to be sold, or transfer ownership of a Prohibited Animal Species within the Town of Essex;
- 7.02.2 Despite Subsection 7.02.1, 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;
- 7.02.3 No person shall transport a Prohibited Animal Species within the Town of Essex except where Section 7.02.2 applies; and
- 7.02.4 No person shall permit a Prohibited Animal Species to run at large within the Town of Essex.

7.03 Registration and Keeping of Prohibited Animal Species

- 7.03.1 No person shall possess or harbour a Prohibited Animal Species in accordance with Subsection 7.02.2 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;
- 7.03.2 Persons who registered Prohibited Animal Species in accordance with Subsection 7.03.1 of this By-Law shall register their Prohibited Animal Species annually thereafter on or before the anniversary date on which they first registered such Prohibited Animal Species;
- 7.03.3 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 Subsection 8.03.1, under the authority of the Municipal Act, 2001 and in accordance with the Municipal Freedom of Information and Protection of Privacy Act and may include:
- viii) Owner's name, address and telephone number;
 - ix) Species, Colour, Weight, Length and Name of the Prohibited Animal Species;
 - x) Any other information deemed necessary by the Clerk.

Part 8 – Livestock

8.01 Control of Livestock within the Town of Essex

- 8.01.1 No owner of livestock shall allow their livestock to run at large within the Town of Essex;

8.02 Livestock Deemed to be Running at Large

8.02.1 For purposes of Part 8, “Livestock”, 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.

8.03 **Liability for Damages**

8.03.1 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

9.01 **Part 9 Definitions**

The following definitions are specific to Part 9 – “Abandonment or Disposal of Live Animals, of this By-Law.

“Abandon”, for 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;

“Dispose” means the action or process of throwing away or getting rid of live animals and/or a litter of animals on a property without the express approval or permission of the property owner;

“Express Approval” or **“Express Permission”** for 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;

“Highway Traffic Act” means the Highway Traffic Act R.S.O. 1990 c. H8, as amended, and the regulations thereunder;

“Licence Plate” means the numbered plate issued by the 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, R.S.O. 1990, c. H8.

“Licence Plate Number” means the unique number displayed on a Licence Plate issued by the 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;

“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;

“Litter of Animals” means the offspring of one birth of an animal;

“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;

“Offspring” means the product of reproduction that results in animal(s) produced by one or more parents;

“Property Owner”, for purposes of this By-Law, means the registered owner of the real property and shall include family members or a tenant of the property owner who may be residing at such property; and

“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 road building machine within the meaning of the Highway Traffic Act.

9.02 **Scope of Part 9**

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

9.03 **Abandonment and Disposal of Live Animals and/or Litters of Animals**

9.03.1 No person shall Abandon or Dispose of a live animal and/or a litter of live animals on any private and other property, including public property, within the Town of Essex without the express permission of the property owner.

9.04 **Responsibilities of Licence Plate Owner**

9.04.1 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 who is operating the vehicle at the time of the offence.

9.05 **Reporting the Abandonment or Disposal of Animals and/or Litters of Animals**

9.05.1 The prohibited abandonment or disposal of live animals and/or Litters of Animals shall be reported to the Town of Essex By-Law Enforcement Officer during the regular business hours of the Town of Essex or by contacting the Ontario Provincial Police;

9.05.2 Information to be reported to the By-Law Enforcement Officer or the Ontario Provincial Police by the property owner shall include, at a minimum, the following:

- i. Date and time of the abandonment or disposal;
- ii. 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
- iii. 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

10.01 Part 10 Definitions

The following definitions are provided in relation to Part 10 – “Animals in Public Shows, Exhibitions, Performances or Circuses”, of this By-Law:

“Prohibited Animal Species” means an animal as defined in Part 8 and listed in Schedule “B” of this By-Law, which list may be revised from time to time;

“Wild” or “Exotic Animal” means an animal listed in Schedule “C” to this By-Law, which list may be revised from time to time;.

10.02 Animals in Public Shows, Exhibitions, Performances or Circuses

10.02.1 Subject to Section 10.03, no person shall operate or carry on a public show, exhibition, performance or circus in the Town of Essex where wild or exotic animals or prohibited animals species are required to perform for the amusement or entertainment of an audience.

10.03 Exceptions to Part 10

10.03.1 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 are not Prohibited Animal Species as defined in this By-Law;
- e) Horse races or dog races; or
- f) Rodeos.

Part 11 –Animal Feces

11.01 Exception(s) to Part 11

11.01.1 Section 11.02 of this By-Law does not apply to the 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 Ontarian with Disabilities Act, 2005, or an impediment where such disability or impediment renders that person unable to remove feces left by their service animal; and

11.01.2 Section 11.02 of this By-Law does not apply to persons with a disability, as defined by the Accessibility for Ontarian with Disabilities Act, 2005, where such disability renders that person unable to remove feces left by their animal.

11.02 Requirement to Remove Feces Left by an Animal

11.02.1 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) Sidewalks;
- 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.

11.02.2 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, convenience of any person in the vicinity of the premises; and

11.02.3 The provisions of Subsection 11.02.1 and 11.02.2 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 breach of the provisions of such Subsections.

11.02.4 The provisions of Subsection 11.02.2 shall not apply to livestock kept for agricultural purposes where the livestock are kept on a property zoned agricultural.

Part 12 - Offence and Penalty

12.01 Fine for Contravention

12.01.1 Any person who contravenes any provision of this By-Law is guilty of an offence, and upon conviction, is liable to any penalty as provided in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33.

12.02 Continuation or Repetition Prohibited by Order

12.02.1 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.

12.03 Severability of Provisions

12.03.1 If any section, clause, sentence or provision or any part or parts thereof of this by-law is declared by any Court of Law 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 the by-law.

Part 13 – Obstruction, Enforcement, Conflicts and Severability

13.01 Obstruction

13.01.1 No person shall hinder or obstruct an Officer in the enforcement of this By-Law.

13.02 Enforcement

13.02.1 This By-Law shall be enforced by a By-Law Enforcement Officer or Animal Control Officer of the Town of Essex or a Police Officer, or a Field Operations Officer or Agent of the Windsor/Essex County Humane Society, or any other person appointed by Council to enforce the By-Laws of the municipality.

Read a first, a second and a third time and finally passed on May 1, 2017.

Mayor

Clerk

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Schedule "A" to By-Law Number 1606			
Animal Care and Control By-Law			
Licence Fees			
Type of Licence	If purchased between January 1 to March 31	If purchased between April 1 and June 30	If purchased between July 1 to December 31
Dog Licence Fee (per dog)			
Spayed or Neutered	\$ 15.00	\$ 30.00	\$ 45.00
Not Spayed or Neutered	\$ 25.00	\$ 50.00	\$ 75.00
Spayed or Neutered - Secondary Residence	\$ 7.50	\$ 15.00	\$ 22.50
Not Spayed or Neutered - Secondary Residence	\$ 12.50	\$ 25.00	\$ 37.50
Spayed or Neutered, new after July 1 (Section 3.01.8)	Not Applicable	Not Applicable	\$ 7.50
Not Spayed or Neutered, new after July 1 (Section 3.01.8)	Not Applicable	Not Applicable	\$ 12.50
Service Dog	No Charge	No Charge	No Charge
Police Working Dog	No Charge	No Charge	No Charge
Dog Kennel Licence (per Dog Kennel)			
Licence with 1 to 10 dog tags	\$ 100.00	\$ 200.00	\$ 300.00
Licence with 11 to 20 dog tags	\$ 120.00	\$ 240.00	\$ 360.00
Licence with more than 20 dog tags	\$ 140.00	\$ 280.00	\$ 420.00
Additional Licence Fee - Dangerous Dog	\$ 50.00	\$ 50.00	\$ 50.00
Replacement Dog Tag (per tag)	\$ 5.00	\$ 5.00	\$ 5.00
Prohibited Animal Species (per keeper of Prohibited Animal Species) ¹	\$ 25.00	\$ 25.00	\$ 25.00
¹ Payable annually on the anniversary date on which the Prohibited Animal Species were first registered.			

Schedule "B" to By-Law Number 1606	
Animal Care and Control By-Law	
Prohibited Animal Species	
Order, Class or Family	Examples ¹
Mammals	
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
Reptiles	
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
¹ 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 1606

Wild or Exotic Animals

The following list of animals constitutes "wild or exotic animals" for 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
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	

Schedule "D" to By-Law Number 1606**Part 1 Provincial Offences Act****By-Law Number 1572, Animal Care and Control By-Law**

Column 1		Column 2	Column 3
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Own dog without licence and dog tag	Section 3.01.1	\$ 125.00
2.	Failure to affix dog tag to dog	Section 3.02.3	\$ 125.00
3.	Affix dog tag to dog other than one for which tag issued	Section 3.02.4	\$ 150.00
4.	Own in excess of three dogs	Section 3.04.1	\$ 125.00
5.	Dog owner allowing a dog to run at large	Section 3.05.1	\$ 200.00
6.	Dog not on leash when off premises of owner	Section 3.05.5	\$ 100.00
7.	Dog on leash in excess of two metres in length	Section 3.05.5	\$ 100.00
8.	Dog on splash pad	Section 3.06.1	\$ 200.00
9.	Failure to restrain dangerous dog on owner's property	Section 4.08.1 a)	\$ 250.00
10.	Failure to leash a dangerous dog off owner's property	Section 4.08.1 b) i.	\$ 250.00
11.	Dangerous dog off owner's property on leash over one and one-half metres in length	Section 4.08.1 b) i.	\$ 250.00
12.	Failure to muzzle a dangerous dog off owner's property	Section 4.08.1 b) ii.	\$ 250.00
13.	Dangerous dog under the control of person less than 18 years of age	Section 4.08.1 b) iii.	\$ 250.00
14.	Failure to pay additional licence fee for dangerous dog	Section 4.08.1 c)	\$ 150.00
15.	Failure to advise of changes in residency of dangerous dog	Section 4.08.1 d)	\$ 100.00
16.	Failure to notify of transfer of ownership of dangerous dog	Section 4.08.1 e)	\$ 100.00
17.	Failure to notify of death or euthanasia of dangerous dog	Section 4.08.1 f)	\$ 100.00
18.	Failure by owner of dangerous dog to provide proof of insurance	Section 4.08.1 g)	\$ 250.00
19.	Failure to place warning signage on property of dangerous dog owner	Section 4.08.1 h)	\$ 150.00
20.	Allowing a dangerous dog to enter an off-leash area	Section 4.08.1 i)	\$ 250.00
21.	Own, operate or keep a dog kennel without a licence	Section 5.01.1	\$ 200.00
22.	Failure to treat an animal humanely	Section 6.02.1	\$ 250.00
23.	Failure to provide an animal with a clean and sanitary environment	Section 6.02.1 i)	\$ 250.00
24.	Failure to provide an animal with a waterproof shelter that protects it from the elements	Section 6.012.1 ii)	\$ 250.00
25.	Failure to provide an animal with a shelter that is adequate and appropriate to its size	Section 6.02.1 iii)	\$ 250.00
26.	Failure to provide an animal with care, food, water or veterinary care	Section 6.02.1 iv)	\$ 250.00

Schedule "D" to By-Law Number 1606**Part 1 Provincial Offences Act****By-Law Number 1572, Animal Care and Control By-Law**

Column 1		Column 2	Column 3
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
27.	Length of tether not appropriate for species tethered	Section 6.04.1 i)	\$ 200.00
28.	Animal tethered for longer than ten hours per day	Section 6.04.1 iii)	\$ 250.00
29.	Length of tether allows dog to go beyond limits of owner's property	Section 6.04.2	\$ 100.00
30.	Choke collar, choke chain or prong collar forms part of tether	Section 6.04.3	\$ 200.00
31.	Rope, chain, cord or other retraining device tied directly to animal's neck	Section 6.04.3	\$ 200.00
32.	Animal outside of the passenger cab of a vehicle and not appropriately restrained	Section 6.05.1	\$ 200.00
33.	Animal left unattended in a motor vehicle when weather conditions not suitable	Section 6.05.3	\$ 200.00
34.	Own, keep, harbour, possess or have custody of a prohibited animal species	Section 7.02.1	\$ 300.00
35.	Sell or cause to be sold a prohibited animal species	Section 7.02.1	\$ 500.00
36.	Transfer ownership of a prohibited animal species	Section 7.02.1	\$ 500.00
37.	Transport a prohibited animal species	Section 7.02.3	\$ 300.00
38.	Permit a prohibited animal species to run at large	Section 7.02.4	\$ 500.00
39.	Owner of livestock allowing livestock to run at large	Section 8.01.1	\$ 200.00
40.	Abandonment or disposal of a live animal, live animals or litter of live animals	Section 9.03.1	\$ 500.00
41.	Operate or carry on a public show with wild or exotic animals performing	Section 10.02.1	\$ 300.00
42.	Operate or carry on a exhibition with wild or exotic animals performing	Section 10.02.1	\$ 300.00
43.	Operate or carry on a performance with wild or exotic animals performing	Section 10.02.1	\$ 300.00
44.	Operate or carry on a circus with wild or exotic animals performing	Section 10.02.1	\$ 300.00
45.	Operate or carry on a public show with prohibited animal species performing	Section 10.02.1	\$ 300.00
46.	Operate or carry on a exhibition with prohibited animal species performing	Section 10.02.1	\$ 300.00
47.	Operate or carry on a performance with prohibited animal species performing	Section 10.02.1	\$ 300.00
48.	Operate or carry on a circus with prohibited animal species performing	Section 10.02.1	\$ 300.00
49.	Failure to remove feces left by an animal on highway or roadway	Section 11.02.1 a)	\$ 150.00
50.	Failure to remove feces left by an animal on public park	Section 5.02.1 b)	\$ 150.00
51.	Failure to remove feces left by an animal on sidewalk	Section 5.02.1 c)	\$ 150.00
52.	Failure to remove feces left by an animal on public property other than park	Section 5.02.1 d)	\$ 150.00

Schedule "D" to By-Law Number 1606**Part 1 Provincial Offences Act****By-Law Number 1572, Animal Care and Control By-Law**

Column 1		Column 2	Column 3
Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
53.	Failure to remove feces left by an animal on property of person other than owner	Section 5.02.1 e)	\$ 150.00
54.	Failure to remove feces left by an animal on property of dog owner	Section 5.02.2	\$ 150.00

Note: The general penalty provision for the offences listed above is Section 12.01.1 of By-Law Number 1606, a certified copy of which has been filed.