

THE CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 1999-07

BEING A BY-LAW to provide for the regulation and keeping of animals within the municipality.

WHEREAS Section 210.1 thru to and including Section 210.13 of *The Municipal Act R.S.O.*, 1990, M. 45, provides that by-laws may be passed by the councils of local municipalities;

for prohibiting or regulating the keeping of animals;

for regulating establishments for the breeding or boarding of animals;

for prohibiting the number of animals that may be kept by any person or that may be kept in any dwelling unit;

for requiring an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner;

for requiring an owner of a dog to remove forthwith excrement left by the dog anywhere in the municipality;

for requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal;

for prohibiting or regulating the running at large of dogs, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law and for selling dogs so impounded at such time and in such manner as is provided by the by-law;

for licensing and regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them;

for providing for an animal identification system including tagging and for requiring owners to identify their domestic animals and;

for requiring the owner of a kennel for dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) to pay an annual fee fixed by the by-law as a licence fee for the kennel in lieu of a license fee for each dog;

AND WHEREAS the Council of the Municipality deems it advisable and expedient to enact a by-law for the purposes aforesaid;

NOW THEREFORE the Corporation of the Township of Tecumseh enacts as follows:

SECTION 1 - GENERAL

- 1.1 This By-law shall be known as the Comprehensive Animal Control and Licensing By-law.
- 1.2 The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Town of Tecumseh as are now or hereafter legally constituted.
- 1.3 From the coming into force of this By-law, By-law 96-6, as amended, of the Township of Sandwich South; and By-law 2003, as amended, of the Town of Tecumseh; and By-law 1121, as amended, of the Village of St. Clair Beach; and all By-laws and parts of By-laws of the aforementioned Municipalities inconsistent with the provisions of this By-law are hereby repealed.

- 1.4 Nothing in this By-law shall serve to relieve any person from the obligation to comply with all other applicable law.
- 1.5 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 this By-law.
- 1.6 This By-law shall take effect from the date of passage by Council.

SECTION 2 - ADMINISTRATION AND ENFORCEMENT

- 2.1 The provisions of this By-law shall be administered by the Animal Control Officer or By-law Enforcement Officer of the Municipality or any employee of the Municipality acting under their direction.
- 2.2 The By-law Enforcement Officer, Animal Control Officer or any employee of the Municipality acting under their direction may enter upon lands, premises and buildings for the purpose of determining or effecting compliance with any provision of this By-law.
- 2.3 In this By-law where any person is required to pay any fee or charges and defaults in such payment, the Municipality shall be entitled to collect the outstanding fee or charge in like manner and with the same priority as Municipal taxes.
- 2.4 Any person who violates any provision of this By-law or causes or permits such violation is guilty of an offence and upon conviction thereof, shall forfeit and pay a fine not to exceed the maximum permitted under the Provincial Offences Act.

SECTION 3 - DEFINITIONS

- 3.1 In this by-law;
- (a) "ANIMAL CONTROL OFFICER" means a person appointed or employed by the Council of the Town for the purpose of enforcing the provisions of this By-law.
 - (b) "BYLAW ENFORCEMENT OFFICER" means a person appointed or employed by the Council of the Town for the purpose of enforcing Municipal By-laws.
 - (c) "CAT" means any cat, male or female.
 - (d) "CLERK" means the Clerk of the Town of Tecumseh.
 - (e) "COUNCIL" means the Council of the Corporation of the Town of Tecumseh.
 - (f) "DANGEROUS DOG" means a dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or domestic animal or has demonstrated a propensity tendency or disposition to, in the absence of any mitigating factor, attack, bite or cause injury to any person.
 - (g) "DOG" means any dog, male or female.
 - (h) "DOG LICENSE ISSUER" means a person appointed or employed by the Council of the Town for the purpose of issuing licenses and dog tags.
 - (i) "KENNEL" includes any building, part of a building, or area used for the breeding of dogs or cats, boarding of dogs or cats or keeping of more than 3 adult dogs or cats of pure or mixed breeding.
 - (j) "LEASH" means a chain, rope or other restraining devices of not more than two (2) metres.

- (k) "MITIGATING FACTOR" means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where;
- (a) the dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;
 - (b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or towards a person or domestic animal trespassing on this property of its owner; or
 - (c) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented;
- (l) "MUNICIPALITY" means the municipality of the Town of Tecumseh.
- (m) "MUZZLE" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
- (n) "OWNER" means that person who possess or harbours a dog or other animal and where the owner is a minor, the person responsible for the custody of the minor.
- (o) "POTENTIALLY DANGEROUS DOG" means a dog that in the absence of any mitigating factor, chases or approaches any person anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling.
- (p) "POUNDKEEPER" means a person appointed by the Joint Dog Pound Committee responsible for the facility and services prescribed by this By-law and all other applicable By-laws.
- (q) "PURE BRED" means dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).

SECTION 4 - KEEPING OF ANIMALS

- 4.1 Every person who owns an animal in the Municipality shall provide such animal or cause it to be provided with such food, shelter, potable water, exercise and attention as may be required from time to time to keep it in good health.
- 4.2 If a dog is customarily kept out of doors, the person who owns such dog shall, at all times, provide for its own use a structurally sound, weather-proof enclosure with off the ground flooring.
- 4.3 Every person who owns an unspayed female dog or cat shall, during each period the dog or cat is in heat, keep it confined so that it will not attract other dogs or cats.
- 4.4 No person shall in the Municipality keep a dog or cat tethered on a chain, rope or similar restraining device of less than 2.4 metres in length, nor longer than the owners surveyed property lines.
- 4.5 No person shall harbour more than three adult dogs and/or cats in any dwelling unit as defined in the Municipal Zoning By-law within the Municipality.
- 4.6 No person shall within the Municipality keep any animal listed by group or name in Schedule "A" attached hereto. This provision shall not apply in any Agricultural Zone as defined in the Zoning By-law of the Municipality.

SECTION 5 - KENNELS

- 5.1 No person shall in the Municipality operate a Kennel without a license.

5.2 The Dog License Issuer shall not issue a Kennel License unless the following conditions have been complied with:

- a) The person requesting the license has obtained the approval of the Municipality regarding the adequacy of the facilities in which the dogs or cats are being kept and cared for.
- b) The person requesting the license has obtained the verification of the Municipality that the provisions of this By-law have been complied with.
- c) The person requesting the license has paid the required fee as prescribed in Schedule "C" of this By-law.
- d) The person requesting the license has obtained the verification of the Municipality that the operation of the Kennel is in conformance to the Municipality's Zoning By-law.

5.3 All types of dwellings as defined in the Municipality's Zoning By-law shall not be used as a Kennel.

5.4 A kennel shall only be permitted in conformance to the Municipality's Zoning By-law(s), as amended.

SECTION 6 - RUNNING AT LARGE

6.1 a) A person who owns a dog shall keep the dog leashed and under control of some person when the dog is on land other than that of the owner.

b) A person who owns a dog or cat shall not allow such dog or cat to trespass on private property.

c) Every person who is the owner of a dog or a cat at a time when the dog or cat fouls property other than that of the owner, shall forthwith remove or cause the removal of the excrement from such property.

6.2 The running at large of any dog in the Municipality is hereby prohibited. A dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not in care or control of any person. Any dog found running at large contrary to the provisions of this by-law may be impounded and disposed of pursuant to the provisions of this by-law.

6.3 Any dogs found running at large within the Municipality:

a) may be seized or impounded by any employee of the Municipality or by any other person as may be appointed for that purpose by the Council.

b) may be killed either before or after impounding by any employee of the Municipality or by any other person appointed for such purpose by the Council.

c) may be sold after impounding as hereinafter set forth by any employee of the Municipality or by any other person as may be appointed for that purpose by Municipal Council.

6.4 It shall be the duty of the Animal Control Officer or By-law Enforcement Officer to seize and impound every dog running at large, by delivering same to the poundkeeper.

6.5 Any dog impounded pursuant to the provisions of the by-law shall, except as herein otherwise provided, be detained for a period of three (3) days exclusive of Sundays and Statutory holidays from time of impoundment, during which time the owner shall be entitled to redeem such dog by paying the charges as determined in Schedule "B" to the poundkeeper. Before releasing any dog, the poundkeeper shall be satisfied that the dog is licensed and tagged and that the penalties assessed pursuant to this By-law have been collected. Notwithstanding the above any female dog found running at large and in heat may be impounded until no longer in heat.

- 6.6 Upon the expiration of three (3) days exclusive of Sundays and Statutory holidays from time of impoundment, any dog so impounded shall become the property of the Municipality. The poundkeeper his employees or any person so appointed by resolution of council, shall be empowered to sell the said dog to any person or persons upon such terms as may be established by resolution of the council, or to kill or cause to be killed said dog.
- 6.7 Upon finding a dog running at large contrary to Section 6.1 of this By-law, the Animal Control Officer or By-Law Enforcement Officer may issue a ticket to the owner as an alternative to impounding the dog. Any person issued a ticket under this provision may within seventy-two (72) hours after the issuance thereof, Saturdays, Sundays and holidays excluded, voluntarily pay to the Treasurer of the Municipality the penalty as established per Schedule "B" and indicated on the ticket for each offence. This payment shall be received as the payment of the penalty in full satisfaction with respect to the alleged offence and a receipt shall be issued to the person making the payment.
- 6.8 An owner upon demand of the Municipality shall forthwith surrender to the Municipality any animal which has bitten any person or which has been exposed to rabies to be held in quarantine at the discretion of the Medical Officer of Health. Where a Medical Officer of Health is of the opinion that a dog or cat may be rabid, he shall cause the dog or cat to be confined and isolated for at least (10) days from all animals and persons, except the person caring for the dog or cat;
- a) at the place of residence of the person caring for the dog or cat, if the dog or cat is free from symptoms of any disease; or
 - b) at a veterinary hospital or other place as approved by the Animal Control Officer or Medical Officer of Health at the expense of the owner.

SECTION 7 - LICENSING

- 7.1 The Owner of every dog shall on or before the 31st day of March in each year obtain from the Dog License Issuer a licence and tag for each dog owned. A person who acquires a dog after the 31st day of March in any year shall obtain from the Municipality a licence and tag within fourteen days after the acquisition of such dog.
- 7.2 The Owner of every Kennel shall on or before the 31st day of March in each year obtain from the Municipality a licence to operate. A person who desires to establish a Kennel after the 31st day of March in any year shall obtain from the Municipality a licence.
- 7.3 The license fee for dogs shall be payable to the treasurer of the municipality. Upon payment of the license fee, the municipality shall cause to issue to each owner;
- a) a receipt acknowledging payment of the dog license fee.
 - b) a suitable dog tag bearing a serial number.
- 7.4 The license fee for a Kennel shall be payable to the Treasurer of the Municipality. Upon payment of the license fee, the Municipality shall cause to issue to each owner;
- a) a receipt acknowledging payment of the kennel license fee.
 - b) a suitable license certificate.
- 7.5 The Dog License Issuer shall keep a record of the serial number of each dog tag issued, and such record shall show the name, address and telephone number of the owner of the dog for which the tag was issued.
- 7.6 A license fee is not required for any new born to a dog, until such young has attained the age of three months.
- 7.7 Where two or more dogs are kept on the same premises, they shall, for the purposes of this By-law, be deemed to be owned by the same person.

- 7.8 Any tag issued pursuant to the by-law shall be used only by the person to whom the dog licence is issued. The tag shall be affixed to the dog for which the license/tag was issued and not on any other dog. The tag shall remain so affixed until a tag for a subsequent year is obtained.
- 7.9 In the event the tag issued for a dog is lost, the owner may obtain a second tag upon the payment of a fee.
- 7.10 Where a certificate is produced from The Canadian National Institute for the Blind stating that a dog is being used as a guide for a blind person, no fee shall be charged for licence and tag under this by-law.
- 7.11 Where a certificate is produced for Hearing Ear Dogs of Canada stating that a dog is being used for the assistance of a deaf person, no fee shall be charged for a licence and tag under this by-law.
- 7.12 Fees for licences as outlined in this section are specified in Schedule "C" which forms part of this Bylaw.

SECTION 8 - DANGEROUS DOGS

8.1 The Animal Control Officer or By-law Enforcement Officer may at their individual discretion deem a dog to be a dangerous dog or a potentially dangerous dog as defined by this By-law. Where the Animal Control Officer or By-law Enforcement Officer designates a dog as a dangerous dog or a potentially dangerous dog, the Animal Control Officer or By-law Enforcement Officer shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements;

- a) to keep such dog confined within the owner's dwelling; or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children and;
- b) to securely attach a muzzle to and to leash such dog at all times when it is not confined in accordance with Section 8.1(a).

or to comply with the following requirements only in the case of a dog deemed potentially dangerous;

- c) to keep such dog confined within the owner's dwelling; or to keep such dog confined to the owners fenced yard of adequate construction to prevent the dog from escaping therefrom and preventing the entry therein of unsupervised children and;
- d) to leash such dog at all times when it is not confined in accordance with section 8.1(c).

8.2 The notice referred to in Section 8.1 shall include:

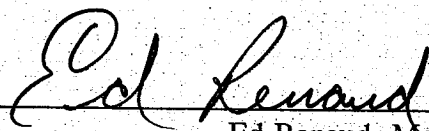
- a) A statement that the Animal Control Officer or By-law Enforcement Officer has deemed the dog to be a dangerous dog or a potentially dangerous dog.
- b) The requirements that the owner must comply to in accordance with section 8.1.
- c) A statement that the owner may request, within three (3) working days of receipt of the notice required by section 8.1, a hearing of the Council of the Municipality which may affirm or rescind the Animal Control Officer or By-law Enforcement Officers designation of the dog as potentially dangerous or dangerous, as the case may be and that Council may substitute its own designation or its own requirements of the owner of a dangerous dog or potentially dangerous dog pursuant to Sections 8.1.

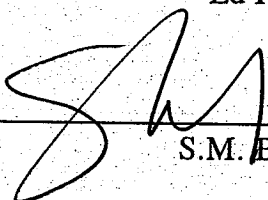
8.3 Where the owner of a dog receives a notice from the Animal Control Officer or By-law Enforcement Officer deeming such dog as a dangerous dog so requests in writing to the

Municipality within three (3) working days of receipt of such notice a hearing of Council. Council shall hold a hearing within twenty-one (21) working days of the Town's Clerk's receipt of the request for a hearing.

- 8.4 Council may at a hearing called for the purpose indicated in Section 8.3 may:
- a) rescind the Animal Control Officer's or By-law Enforcement Officer's deeming of the dog as a dangerous dog.
 - b) substitute its own requirements of the owner of a dangerous dog or potentially dangerous pursuant to Sections 8.1.
- 8.5 The requirements of Section 8.1 which may be imposed on a dog owner by the Animal Control Officer or By-law Enforcement Officer shall not be required until either the time for appeal under Section 8.3 has elapsed without the dog owner requesting an appeal pursuant to that Section or Council has ordered such requirement pursuant to Section 8.4, whichever occurs earlier.
- 8.6 An owner of a dog which has been deemed a dangerous dog or potentially dangerous dog pursuant to section 8.1 shall advise the Municipality if he/she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the Municipality with particulars of same.
- 8.7 Any notices or requests for hearings required by this section shall be served by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth (5th) working day after the date of mailing.

READ a first, second and third time and finally passed this 26th day of January, 1999.


Ed Renaud, Mayor


S.M. Brophey, Clerk


CORPORATION OF THE TOWN OF TECUMSEH

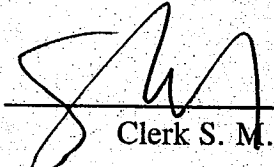
BY-LAW NUMBER 1999-07

1. All Marsupials (such as Kangaroos and Opossums);
2. All Non-human Primates (such as Gorillas and Monkeys);
3. All Fields, except the domestic cat;
4. All Canids, except the domestic dog;
5. All Viverrids (such as Skunks, Weasels, Otters, Badgers), except the domestic Ferret;
6. All Mustelids (such as Mongooses, Civets and Genets);
7. All Urside (Bears);
8. All Artiodactylus Ungulates (Goats, Sheep, Pigs Deer and Cattle);
9. All Procyonids (such as Raccoons, Coatis and Cacomistles);
10. All Hyenas;
11. All Perissodactylus Ungulates, including the domestic horse and ass;
12. All Elephants;
13. All Pinnipeds (such as Seals, Fur Seals and Walruses);
14. All Snakes of the Families Pythonidae and Boidae;
15. All families of Venomous Snakes;
16. All Ratite Birds (such as Ostriches, Rheas, Cassowaries);
17. All diurnal and nocturnal Raptors (such as Eagles, Hawks, and Owls);
18. All Endentates (such as Anteaters, Sloths and Armadillos);
19. All Bats;
20. All Crocodylians (such as Alligators and Crocodiles);
21. All Families of Venomous Spiders;
22. All Venomous Insects

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

This is Schedule "A" to By-Law 199907 passed by the Council of the Corporation of the Town of Tecumseh on the 26th day of January 1999.


Mayor Ed Renaud


Clerk S. M. Brophrey

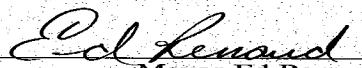
CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 1999-07


1. The quantum of the following fees shall be paid to the Municipality as a dog release fee before a dog may be redeemed from the poundkeeper.
 - (a) 1st impound \$ 25.00
 - (b) Any subsequent impound \$ 50.00
 - (c) Any outstanding license fee as prescribed in Schedule "C" of this By-law.

2. The quantum of the following fees shall be collected as a penalty when a ticket is issued pursuant to Section 6.7 of this By-law.
 - (a) 1st offence \$ 25.00
 - (b) Any subsequent offence \$ 50.00
 - (c) Any outstanding license fee as prescribed in Schedule "C" of this By-law.

This is Schedule "B" to By-Law 1999-07 passed by the Council of the Corporation of the Town of Tecumseh on the 26th day of January, 1999.



Mayor Ed Renaud



Clerk S. M. Brophy

CORPORATION OF THE TOWN OF TECUMSEH

BY-LAW NUMBER 1999-07

1. **DOG LICENCE FEE:**

(a) \$ 10.00 - On or before March 31st.


(b) \$ 20.00 - After March 31st.

2. **KENNEL LICENCE FEE:**

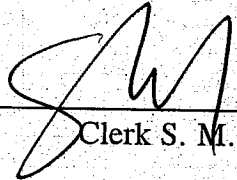
(a) \$ 100.00 - On or before March 31st.

(b) \$ 125.00 - After March 31st.

This is Schedule "C" to By-Law 1999 - 07 passed by the Council of the Corporation of the Town of Tecumseh on the 26th day of January, 1999.



Mayor Ed Renaud



Clerk S. M. Brophey