

# The Corporation of the Town of Tecumseh

## By-Law Number 2025-087

Being a by-law respecting animal care and control within the municipal boundaries of the Town of Tecumseh

**Whereas** Sections 8, 9 and 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended (the “**Act**”) authorizes municipalities to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 and 8 of subsection 11(2) and paragraph 9 of subsection 11(3) of the Act authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of persons and property; and animals;

**And Whereas** Subsection 8(3) of the Act provides that a by-law under section 11 of the Act respecting a matter may (a) regulate and prohibit respecting the matter; (b) may require a person to do things respecting the matter; or (c) may provide for a system of licences respecting the matter;

**And Whereas** Subsection 103(1) of the Act provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under specific conditions;

**And Whereas** Subsection 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** Subsection 391(1) of the Act authorizes municipalities, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

**And Whereas** Section 425 of the Act further authorizes municipalities to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

**And Whereas** Section 429 of the Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

**And Whereas** Section 434.1 of the Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-law of the municipality passed under the Municipal Act;

**And Whereas** Section 446(1) of the Act states that if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in

default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**And Whereas** Section 446(3) of the Act states that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

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

**Now Therefore** be it resolved that the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **Definitions**

In this By-Law:

- 1.1 **"Altered"** when used referring to a Dog or Cat means the Dog or Cat has been spayed or neutered and **"Unaltered"** means the Dog or Cat has not been spayed or neutered.
- 1.2 **"Animal"** means any member of the animal kingdom other than a human.
- 1.3 **"Animal Control Officer"** means a Person appointed by Council and/or who has entered into a contract with the Town to provide animal control services in accordance with this By-Law and includes any employees of such person.
- 1.4 **"At Large"** means an Animal that (a) is not on the Keeper or Owner's Premises or Dwelling Unit, or the Premises or Dwelling Unit of another Person with the consent of that Person; and (b) not under the direct control of the Keeper or Owner such as by leash or other restraint.
- 1.5 **"Attack"** in reference to a Dog means aggressive behaviour resulting in unwanted physical contact resulting in harm to a Person or Domestic Animal, such as bleeding, bone breakage, sprains, serious bruising, multiple injuries, or damage to clothing and **"Attacked"** or **"Attacking"** have similar meanings.
- 1.6 **"Bite"** means the bruising, breaking, puncturing, wounding, tearing or gripping of the skin of a Person or Domestic Animal caused by the tooth or teeth of a Dog and **"Biting"** has a similar meaning.
- 1.7 **"Business Day"** means Monday to Friday, except for a Holiday.
- 1.8 **"Cat"** means any breed of domesticated cat or crossbreed of domesticated cat.
- 1.9 **"Clerk"** means the Municipal Clerk of the Town duly appointed pursuant to the Act or his or her delegate, which includes, but is not limited to, a Deputy Clerk.

- 1.10 **“Council”** means the Council of the Corporation of the Town of Tecumseh.
- 1.11 **“Custody”** means the protective care or guardianship of someone or something.
- 1.12 **“Dangerous Dog”** means a Dog other than a Police Dog or Livestock Guardian Dog while performing their duties, which has, without provocation, regardless of age and whether on private or public property:
- 1.12.1 injured, attacked, bitten or killed a person or a domestic animal; or
  - 1.12.2 been declared dangerous or vicious in another municipality in Ontario or any other jurisdiction.
- 1.13 **“Dangerous Dog Warning Sign”** means a sign that clearly warns people of a Dangerous Dog on the Premises, to the satisfaction of the By-law Enforcement Officer.
- 1.14 **“Dog”** means any breed of domesticated canine or crossbreed of a domesticated canine.
- 1.15 **“Dog Licence”** means a licence issued pursuant to the provisions of this By-Law and includes the renewal of a Dog Licence.
- 1.16 **“Domestic”** when referring to an Animal refers to a pet which is generally understood to be domesticated.
- 1.17 **“Dwelling Unit”** means one or more habitable rooms designed, occupied, or intended to be occupied as living quarters as a self-contained unit and shall, at a minimum, contain sanitary facilities, accommodation for sleeping and a kitchen.
- 1.18 **“Dwelling Unit, Accessory”** means a dwelling unit that is accessory to a non-residential use on a lot.
- 1.19 **“Dwelling Unit, Apartment”** means a dwelling unit contained in an apartment dwelling.
- 1.20 **“Dwelling Unit, Semi-Detached”** means a dwelling unit within a semi-detached dwelling.
- 1.21 **“Dwelling Unit, Townhouse”** means a dwelling unit within a townhouse dwelling.
- 1.22 **“Fee”** means a fee prescribed in the Town’s Fees and Charges By-Law;
- 1.23 **“Fees and Charges By-Law”** means the Town’s by-law of administrative fees and charges which may be amended or replaced from time to time.
- 1.24 **“Hearing Decision”** means a notice containing a decision of a Hearing Officer.

- 1.25 **“Hearing Officer”** means a person appointed by Council on such terms and conditions as determined by Council who performs the functions of a Hearing Officer in accordance with Section 12 of this By-Law.
- 1.26 **“Herding Dog”** means a Dog that has been trained and is actively being used in an agricultural operation for the purposes of controlling Livestock.
- 1.27 **“Holiday”** means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any Day the offices for the Town are officially closed for business.
- 1.28 **“Keep”** means to own, harbour, possess or have control over, whether temporary or permanent, and **“Keeper”**, **“Keeping”** or **“Kept”** have similar meanings, and **“Keeper”** in relation to a Person that is a minor under the age of 18 years and owns, harbours, possesses, or has control over and if the Person is a minor under the age of 18 years the Person responsible for the custody of the minor.
- 1.29 **“Kennel”** means any building or structure, or part thereof used or intended for use for the purpose of breeding, boarding or raising three or more Dogs.
- 1.30 **“Kennel Licence”** means a licence issued to operate a Kennel pursuant to the provisions of this By-Law and includes the renewal of a Kennel Licence.
- 1.31 **“Leash”** means a restraining device not exceeding one (1) metre in length in the case of a Dog declared to be a Dangerous Dog under this By-Law and, otherwise, not exceeding two (2) metres in length which is attached to the collar or harness worn by a Dog and of sufficient strength to restrain the Dog.
- 1.32 **“Licence Issuer”** means the Person appointed as the Clerk and includes their authorized designate or designates with respect to any authority delegated by the Licence Issuer to such designate.
- 1.33 **“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 deep, 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 Domestic pets.
- 1.34 **“Livestock Guardian Dog”** means a Dog that works and/or lives with Livestock to protect them while repelling predators and is kept exclusively for that purpose.
- 1.35 **“Mitigating Factor”** means a circumstance which excuses aggressive behaviour of a Dog and, without limiting the generality of the foregoing, may include circumstances where the Dog was, at the time of the aggressive behaviour:
- 1.35.1 acting in defence of an attack by a person or domestic animal;

- 1.35.2 acting in defence of its young or reacting to a person or domestic animal trespassing on the property of its Keeper; or
- 1.35.3 being teased, provoked or tormented.
- 1.36 **“Muzzle”** means a humane fastening or covering device that is strong enough and fitted to prevent the Dog from Biting, without interfering with the breathing, panting or vision of the Dog or with the Dog’s ability to drink and **“Muzzling”** means to cause the Dog to wear a Muzzle and **“Muzzled”** means the Dog is wearing a Muzzle.
- 1.37 **“Notice of Caution”** means a notice in writing given by the Officer to the owner which cautions the owner that a bite did occur and recommends the owner take cautionary steps whenever persons or domestic animals are in the vicinity of the dog. The Notice of Caution shall indicate that should a subsequent bite occur, an order to muzzle the dog will be issued.
- 1.38 **“Officer”** or **“Town Officer”** includes the Town’s Animal Control Officer and any individual appointed by a Town by-law or pursuant to delegated authority to appoint under a Town by-law to enforce a Town by-law, or a police officer employed by the Ontario Provincial Police or any other police or enforcement service having jurisdiction in the Town.
- 1.39 **“Off-Leash Dog Park”** means an area designated and signed by the Town as a leash free area where the Keeper of a Dog with a valid Dog Licence is permitted to allow the Dog to be off Leash.
- 1.40 **“Owner”** means any Person who keeps, harbors or is in control of an Animal and, for the purpose of this definition “owns” or “owned” shall have a corresponding meaning and shall include a Person who is temporarily the Keeper or in control of an Animal
- 1.41 **“Person”** means an individual, firm, corporation, association or partnership.
- 1.42 **“Police”** means the Ontario Provincial Police or other police force having jurisdiction within the Town.
- 1.43 **“Police Dog”** means a Dog trained to aid police officers or peace officers and used by police officers or peace officers in the execution of their duties.
- 1.44 **“Pound”** means Premises that are used for the detention, maintenance or disposal of Dogs that have been impounded pursuant to this By-Law or the *Dog Owners’ Liability Act*, R.S.O. 1990 c. D.16, as amended.
- 1.45 **“Pound Operator”** means the operator of a Pound.
- 1.46 **“Premises”** means a building or part of a building and any land appurtenant to the building or part of the building and includes a vacant lot.

- 1.47 **“Prohibited Animal Species”** shall include for the purposes of this By-Law, with the exception of Section 17.6, Animals that:
- 1.47.1 are Venomous or Poisonous and whose venom or poison is Medically Significant to humans or domestic Animals;
  - 1.47.2 pose a real or potentially hazardous threat to humans, domestic Animals or farm Animals;
  - 1.47.3 pose a real or potentially hazardous threat the local Ecosystem;
  - 1.47.4 are cited in the Control List as published by the Canadian Wildlife Service of Environmental Canada;
  - 1.47.5 are prohibited or controlled by federal or provincial legislation;
  - 1.47.6 but does not include bees as defined by the *Bees Act*, R.S.O. 1990, c.B.6.
- 1.48 **“Raptors”** means a carnivorous medium-to large-sized bird that has a hooked beak and large sharp talons and that feeds wholly or chiefly on meat taken by hunting or on carrion and includes an eagle, hawk, falcon, and owl.
- 1.49 **“Redemption Period”** means three (3) days, excluding the day on which the Animal was impounded, and Holidays shall not be included.
- 1.50 **“Rehabilitated”** means a satisfactory positive assessment from a recognized behavioural test such as the Canadian Kennel Club Canine Good Neighbour (CGN), that the Dog has been rehabilitated and in their professional opinion, should no longer be declared a Dangerous Dog.
- 1.51 **“Rescue Group”** means a not-for-profit or charitable organization for which the mandate is predominantly the rescue and placement of Animals and facilitating the Altering of Dogs and Cats for Animal welfare purposes and Premises utilized by the Windsor-Essex County Humane Society.
- 1.52 **“Rodentia”** means an order of the division Eutheria comprising relatively small gnawing mammals having a single pair of incisors in each jaw that grow from persistent pulps and bear enamel chiefly in front to produce a chisel-shaped edge and includes a porcupine, prairie dog, nutria, and chinchilla.
- 1.53 **“Service Animal”** means an Animal that: (a) can be readily identified as one that is being used by a Person for reasons relating to the Person’s disability, as a result of visual indicators such as the vest or harness worn by the Animal; and (b) is required by a Person with a disability for assistance; and the Person has documentation from a member of the College of Audiologists and Speech-Language Pathologists of Ontario, College of Chiropractors of Ontario, College of Nurses of Ontario, College of Occupational Therapists of Ontario, College of Optometrists of Ontario, College of Physicians and Surgeons of Ontario, College

of Physiotherapists of Ontario, College of Psychologists of Ontario, or College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario, confirming that the Person requires the Animal for reasons relating to their disability.

- 1.54 **“Squamata”** means an order of reptiles comprising of snakes and lizards.
- 1.55 **“Standards of Care”** means the Standards of Care described in Schedule “A” attached hereto and forming part of this By-Law.
- 1.56 **“Tag”** means an identification tag issued by the Licence Issuer as proof of a Dog Licence.
- 1.57 **“Town”** means The Corporation of the Town of Tecumseh, or the geographic area of the Town of Tecumseh, depending on the context.
- 1.58 **“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.
- 1.59 **“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.
- 1.60 **“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.
- 1.61 **“Without Provocation”** means that the Dog has not been incited or induced to behave aggressively because:
- 1.61.1 the Dog was acting in defense of an attack on itself by a person or another domestic animal;
  - 1.61.2 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
  - 1.61.3 the Dog was being teased, provoked, or tormented.
- 1.62 **“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.
- 1.63 **“Zoning By-Law”** means the Town Zoning By-Law in effect regulating land use which may be amended or replaced from time to time.

## 2. **Application**

2.1 The provisions of this By-Law apply to the entire geographic area of the Town.

2.2 The provisions of this By-Law do not apply to:

- 2.2.1 the Premises of a Pound except insofar as the Pound is referred to in particular;
- 2.2.2 a Police Dog in the performance of their duties;
- 2.2.3 Premises used by the Ontario Society for the Prevention of Cruelty to Animals or the Windsor/Essex County Humane Society;
- 2.2.4 an animal hospital or clinic operated and supervised by a veterinarian who is licensed to practise veterinary medicine issued under the *Veterinarians Act*, R.S.O. 1990, c. V.3;
- 2.2.5 a supply facility licensed in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22;
- 2.2.6 a research facility registered in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22;
- 2.2.7 a wildlife rehabilitation centre registered in accordance with the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c. 41;
- 2.2.8 Premises operated by a university or college;
- 2.2.9 the Premises of an exhibit, public show or other display as permitted by municipal by-law and other applicable federal or provincial legislation;
- 2.2.10 the Keeping of bees in accordance and as permitted by applicable legislation; and
- 2.2.11 the Premises of slaughterhouses licensed pursuant to the *Meat Inspection Act* (Ontario), R.S.O. 1990, c. M.5.

## 3. **Interpretation**

3.1 Headings are inserted for ease of reference only and are not to be used in any way to aid in the interpretation of this By-Law.

3.2 Specific references to legislation, regulations, or by-laws are meant to refer to the current legislation, regulation, or by-law applicable at the time that this By-Law was enacted and shall be interpreted to include amendments, restatements, and successor legislation.

- 3.3 The requirements of this By-Law are in addition to requirements contained in any other applicable by-laws of the Town or applicable provincial or federal statutes or regulations.
- 3.4 Terms with capitals shall be read with the meaning in Section 1 of this By-Law and other words shall be given their ordinary meaning.
- 3.5 All schedules referenced in this By-Law and attached hereto are hereby declared to form an integral part of this By-Law and shall be read in conjunction with it.
- 3.6 Nothing in this By-Law shall give any Person any right to Keep any Animal where it is not permitted by a Zoning By-law regulating the Premises on which the Animals are Kept, or federal or provincial statute or regulation thereunder.
- 3.7 Nothing in this By-Law relieves any Person from complying with any provision of any federal or provincial legislation or any other by-law of the Town.
- 3.8 If any court of competent jurisdiction finds any provision of this By-Law is illegal or ultra vires of the jurisdiction of the Town, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this By-Law.
- 3.9 If there is a conflict between a provision of this By-Law and any other by-law of the Town in force or a provincial or federal statute or regulation, the provision that establishes the higher standard to protect the health, safety, and welfare of the general public and of Animals shall prevail.

#### **4. Responsibility to Care for Animals**

- 4.1 Every Person who Owns or has Custody of an Animal within the Town of Tecumseh shall ensure such Animal is Treated Humanely and is provided with:
  - 4.1.1 a clean and sanitary environment free from an accumulation of fecal matter;
  - 4.1.2 a shelter that is waterproof and that protects it from exposure to the elements;
  - 4.1.3 a shelter for the Animal that is adequate and appropriate for its size and breed;
  - 4.1.4 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,
- 4.2 No Person shall keep an Animal within the Town of Tecumseh in an Unsanitary Condition.
- 4.3 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. An Officer

who has reasonable grounds to believe than 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.

## **5. Care of Dogs**

5.1 No Person shall Keep a Dog except in accordance with this By-Law.

5.2 Every Keeper of a Dog shall ensure that they comply with this By-Law and the Standards of Care attached hereto as Schedule "A".

5.3 Every Person that tethers a Dog shall ensure that:

5.3.1 the tether that is used on a dog must:

- (a) allow the dog to move about safely;
- (b) be of a size, type and weight that will not cause the dog discomfort or injury;
- (c) have a swivel that can turn 360° at both, the point where the tether is attached to the dog's collar or harness, and the point at which the tether is attached to the fixed object;
- (d) be of sufficient length to permit the dog to move at least three metres measured in a horizontal direction from the point at which the tether is attached to the fixed object; and
- (e) be of sufficient condition and be sufficiently well-attached to the dog and to the fixed object, to prevent the dog from escaping.

5.3.2 the tether must allow the Dog to have access to adequate and appropriate water, shade and shelter;

5.3.3 the tether does not permit the Dog to go beyond the property line of the Premises on which the Dog is tethered;

5.3.4 the Dog is tethered for no more than a total of four (4) hours in any one consecutive twenty-four (24) hour period;

5.3.5 the dog does not have 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 tethered;

5.3.6 a collar or harness used with a tether on a dog must be of a size, type, design and fit that will not cause the dog discomfort or injury;

5.3.7 a choke collar, pinch collar, prong collar, slip collar, head halter collar or martingale collar must not be used with a tether;

5.3.8 a dog kept outdoors must not be tethered in a manner that creates an undue risk of distress to the dog, including,

- (a) distress related to the age, health or reproductive status of the dog; or
  - (b) distress caused by objects or hazards that a dog is able to reach while tethered; and
- 5.3.9 a dog kept must not be tethered if the dog is,
  - (a) under six months of age;
  - (b) whelping;
  - (c) nursing; or
  - (d) in heat.
- 5.4 No Person shall allow a Dog to be outside of the passenger cab of a motor vehicle on a roadway.
- 5.5 Despite Section 5.4 of this By-Law, a Person may allow a Dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck, if the Dog is:
  - 5.5.1 in a fully enclosed trailer;
  - 5.5.2 in a topper enclosing the bed area of the truck;
  - 5.5.3 contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
  - 5.5.4 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. **Dog Licensing**
- 6.1 No Person shall Keep a Dog without a current, valid Dog Licence.
- 6.2 Despite Section 6.1 of this By-Law, no Licence for a Dog shall be required for:
  - 6.2.1 a Dog which has not been weaned, and which is under the age of twelve (12) weeks; or
  - 6.2.2 a Dog which is temporarily Kept at a Kennel, if the Dog, when not being Kept at the Kennel, is Kept at Premises located outside of the Town.
- 6.3 Every Keeper shall ensure that the Tag corresponding to the Licence issued for their Dog is attached to the Dog at all times.

6.4 Despite Section 6.3 of this By-Law, the Keeper is not required to ensure that the Dog Tag remains securely attached to the Dog if:

6.4.1 the Dog is on the Premises of its Keeper;

6.4.2 a veterinarian has determined it is necessary to remove the Dog Tag for medical treatment of that Dog and evidence of such requirement is produced upon request of a By-law Enforcement Officer.

6.5 No Person shall remove a Tag from a Dog without consent of the Dog Keeper.

6.6 No Person shall attach a Tag to a Dog other than the Dog for which the Licence was issued and provided.

6.7 No Keeper shall cause, allow, or permit the Keeper's Dog to have a Tag attached to it other than the Tag provided for that Dog.

6.8 A Person who has an additional residence in the Town of Tecumseh and has purchased a valid Dog Licence from the municipality in which their primary residence is located, shall Licence their Dog with the Town based on the reduced fees prescribed in the Fees and Charges By-law, upon providing proof that their primary residence is not located in the Town and proof as to the purchase of a valid Licence from another municipality, with such proof to be to the satisfaction of the Clerk.

6.9 Every Tag issued by the Licence Issuer remains the property of the Town and shall be surrendered upon request of the Licence Issuer or a By-law Enforcement Officer after:

6.9.1 the death of a Dog to which the Tag corresponds;

6.9.2 a transfer of the Dog from one Keeper to another Person;

6.9.3 the revocation of the Licence for a Dog for which the Tag was issued;  
or

6.9.4 or any other lawful reason for the request.

## **7. Application for Dog Licence & Renewal**

7.1 An applicant for an annual Dog Licence or annual renewal of a Dog Licence under this By-Law shall file with or provide to the Licence Issuer:

7.1.1 an application in the form established by the Licence Issuer;

7.1.2 the applicant's information including, but not limited to, name, date of birth, address where Dog will reside, email address, and phone number;

- 7.1.3 such information, including evidence in support of the application, as may be deemed necessary by the Licence Issuer to process the application for a Dog Licence;
  - 7.1.4 where applicable, evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application is a Service Dog, a Police Dog, a Livestock Guardian Dog, or a Herding Dog;
  - 7.1.5 where a Dog has been found to be a Dangerous Dog, evidence satisfactory to the Licence Issuer that the Keeper has complied with the Dangerous Dog conditions contained in this By-Law; and
  - 7.1.6 payment of any Fees required pursuant to the Fees and Charges By-law.
- 7.2 Despite Section 7.1 of this By-Law, a Fee for an application for a Dog Licence or renewal of a Dog Licence is not required where the application for a Dog Licence or renewal of a Dog Licence is submitted:
  - 7.2.1 by a Rescue Group for a Licence for a Dog; or
  - 7.2.2 for a Licence for a Service Dog, a Police Dog, a Livestock Guardian Dog, or a Herding Dog.
- 7.3 No application Fee shall be refundable for any reason.
- 7.4 Subject to any provision to the contrary, if an application satisfies the requirements of this By-Law, the Licence Issuer may issue to the applicant, a Licence and Tag for the Dog that is the subject of the application.
- 7.5 The Licence Issuer shall refuse to issue or renew a Licence for a Dog where the Licence Issuer is not satisfied that:
  - 7.5.1 the applicant is eighteen (18) years of age or older;
  - 7.5.2 the application is complete, and applicable Fees have been paid; or
  - 7.5.3 in the case of a Dangerous Dog, the Keeper does not provide proof of compliance with the Dangerous Dog conditions of this By-Law.
- 7.6 A Licence for a Dog shall expire upon the earliest of:
  - 7.6.1 the transfer of the Dog from one Keeper to another Person;
  - 7.6.2 the death of the Dog; or
  - 7.6.3 the date set out in the Licence as the expiry date.
- 7.7 The Licence Issuer shall have the right to revoke the Dog Licence if:

- 7.7.1 the Dog Licence was issued in error or as a result of false information provided in the application;
  - 7.7.2 the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or
  - 7.7.3 in the case of a Dog found to be a Dangerous Dog, the insurance required pursuant to this By-Law expires or is cancelled or terminated for any reason, without being replaced.
- 7.8 The Licence Issuer shall provide a replacement Tag to the Keeper of a Licensed Dog upon:
  - 7.8.1 application in writing by the Keeper in the form established by the Licence Issuer that a replacement Tag is required; and
  - 7.8.2 payment of the applicable Fee.
- 7.9 Except as provided to the contrary in Section 7.1 of this By-Law, the Keeper of a Licenced Dog shall advise the Licence Issuer in writing within 7 days of:
  - 7.9.1 a change in any information provided in the most recent application for a Dog Licence or renewal of a Dog Licence;
  - 7.9.2 the death of the Dog; and
  - 7.9.3 the sale or other transfer of the Dog.
- 8. **Control of Dogs**
  - 8.1 Unless licensed as a Dog Kennel pursuant to this By-Law, no Person(s) shall Keep in or about any Dwelling Unit(s) (inclusive of any additional residential units that are within or ancillary to any such Dwelling Units) no more than three (3) Dogs, which shall not include any Dog under the age of twelve (12) weeks or a Dog being temporarily Kept for not more than seven (7) consecutive days.
  - 8.2 Despite Section 8.1 of this By-Law, an authorized Person affiliated with a Rescue Group may Keep up to six Dogs in or about any Dwelling Unit or Premises provided that the Keeping of more than three Dogs lasts no more than 48 hours in any 90-day period. The onus shall be on Person claiming this exemption to satisfy the By-law Enforcement Officer of the Person's entitlement to it.
  - 8.3 No Keeper of a Dog shall cause, allow or permit their Dog off the Premises of the Keeper unless such Dog is on a Leash.
  - 8.4 No Keeper of a Dog shall cause, allow, or permit their Dog to be At Large.
  - 8.5 Despite Section 8.4 of this By-Law, a Licensed Dog shall not be At Large if it is:

- 8.5.1 within an Off-Leash Dog Park;
- 8.5.2 a Police Dog and is performing the duties for which it was trained; or
- 8.5.3 a Livestock Guardian Dog or a Herding Dog and is performing the duties for which it was trained and under the supervision of its Keeper.
- 8.6 No Person shall leave a Dog in or about any municipal Premises.
- 8.7 Every owner of a Premises that allows or permits a Dog to be outdoors shall ensure that the Dog is:
  - 8.7.1 confined to a pen or other enclosed structure or area, including an area enclosed by electronic fencing known as underground fencing;
  - 8.7.2 Tethered in accordance with Section 5.3 of this By-Law; or
  - 8.7.3 under the control of a Person so as to prevent the Dog from leaving the Premises.
- 8.8 For the purposes of Section 8.7 of this By-Law, the owner of the Premises on which the Dog is found shall be deemed to have allowed or permitted the Dog to be outdoors on that Premises.
- 8.9 A Premises owner may be exempt from Section 8.7 if the Dog is on Premises designated as Agricultural in a Zoning By-law that are more than 0.5 hectares in size and the Dog is sufficiently trained who so as to remain on the Premises.
- 8.10 No Person shall cause, use, or direct a Dog to Attack, Bite, chase, harass or threaten a Person or Domestic Animal.
- 8.11 No Keeper of a Dog shall cause, allow, or permit their Dog to behave in a manner that poses a menace to the safety of a Person or Domestic Animal.
- 8.12 No Keeper of a Dog shall permit such Dog to injure, attack, bite or kill, without provocation, a Person or Domestic Animal.
- 8.13 No Person shall tease, torment, or provoke any Dog.
- 8.14 Every Dog Keeper shall immediately remove excrement deposited by their Dog on municipal property within Tecumseh, which shall include but not be limited to the public road allowances, highways, boulevards, shoulders, walkways, trails, sidewalks and parks and dispose of the excrement in a sanitary manner, except where the Keeper is unable to remove the excrement due to a physical disability or a visual impairment.
- 8.15 Every dog keeper shall immediately remove excrement deposited by their Dog on any Private Property other than the property of:
  - 8.15.1 the Owner of the Animal;

- (a) the Person having care, Custody, or control of the Animal; or
- (b) 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

8.16 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.

8.17 The provisions of Section 8.15 shall not apply to Livestock kept for agricultural purposes where the Livestock are kept on a property in an Agricultural Zone as defined by the Town's Zoning By-Law(s).

## **9. Dangerous Dog Investigations**

9.1 The Animal Control Officer or in the absence thereof a Town Officer shall conduct an investigation within ten (10) Business Days to determine if a Dog should be found to be a Dangerous Dog, after the Animal Control Officer or Town Officer receives:

9.1.1 a written complaint in the form and manner determined by the Licence Issuer, signed by the complainant, that a Dog has Attacked or Bitten a Person or Domestic Animal:

9.1.2 particulars of the name and address of the Keeper of the Dog or adequate information to ascertain the Keeper of the Dog which is the subject of the complaint; and

9.1.3 particulars of the incident or incidents giving rise to the complaint.

9.2 A complaint made in accordance with Section 9.1 of this By-Law shall be received no more than seventy-two (72) hours after the date of the Bite or Attack

9.3 At the time of reporting an incident, 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 9.5 and 9.6 of this By-Law.

9.4 A Declaration Regarding a Dangerous Dog shall be completed by the Officer investigating the incident in the form prescribed by the Clerk and shall include, but is not limited to, the following information:

9.4.1 Name of the Owner of the Dangerous Dog;

9.4.2 Name, address and telephone number of the Victim and/or the Witness to the incident involving the Dangerous Dog;

- 9.4.3 Description of the Dangerous Dog, including breed, age and sex, if known, colour and other distinguishing features of the Dog;
  - 9.4.4 The municipal dog tag number and rabies tag, if available;
  - 9.4.5 Date and time of incident, location where the incident occurred and description of the incident;
  - 9.4.6 Name of other Witnesses and agencies involved, if applicable; and
  - 9.4.7 Signature of Victim and/or Witness.
- 9.5 The Witness shall provide any additional evidence related to the incident to the Officer investigating the incident when the Declaration is completed and signed by the Witness:
- 9.5.1 Pictures of the injury or damage caused by a Dog, with date and time stamp noted on the picture;
  - 9.5.2 Picture of the Dog;
  - 9.5.3 Information regarding treatment required from a Person in the medical profession; and
  - 9.5.4 Any other information deemed to be pertinent to the incident.
- 9.6 In conducting the investigation and making a determination of whether a Dog should be found to be a Dangerous Dog, the Officer shall consider all of the circumstances known, including without limitation:
- 9.6.1 the severity of the Attack or Bite and any resulting injuries;
  - 9.6.2 any prior record of the Dog having Bitten or Attacked;
  - 9.6.3 the circumstances leading to the Bite or Attack and the location of the Dog at the time;
    - (a) the Dog acting in defence to a Bite or Attack by or menacing actions by a Person or Animal, whether or not such Attack was directed towards the Dog in question;
    - (b) the Dog acting in defence of its young or Keeper;
    - (c) the Dog reacting to a Person or a Domestic Animal trespassing on or entering on the Premises where the Dog was situate, which does not include access to the Premises for lawful purposes to the door of a building on the Premises by a means apparently provided and used for the purpose of access;
    - (d) the Dog being teased, provoked, or tormented;
    - (e) the Dog acting without provocation; or

(f) any other mitigating factors that may be present.

9.7 Where, after the investigation, the Officer is of the opinion that it is appropriate to do so, the Officer may make a finding that the Dog is a Dangerous Dog.

**10. Dangerous Dog Order**

10.1 Where the Officer is satisfied on a balance of probabilities that a Dog has bitten a person or domestic animal, the Officer shall issue an order and notify the Dog's owner in writing that the Dog is declared a Dangerous Dog and shall thereafter be required to comply with the conditions of the Dangerous Dog Order as prescribed pursuant to Sections 10.3 and Section 11 of this By-Law.

10.2 Despite section 10.1, the Officer may alternatively issue a Notice of Caution to the Dangerous Dog Keeper, where the Officer is satisfied on the balance of probabilities that a dog has bitten a person or domestic animal, and:

10.2.1 there is a mitigating factor; and

10.2.2 the Dog has not bitten previously; and

10.2.3 the Owner has not previously received a Notice of Caution for the Dog; and

10.2.4 the Officer does not consider the bite to be severe.

10.3 Upon making a Dangerous Dog Order, the Officer or Licence Issuer may prescribe conditions as the Licence Issuer deems appropriate to protect the health and safety, including but not limited to:

10.3.1 prohibiting the Dangerous Dog from attending any or all Off-Leash Dog Parks or municipal lands;

10.3.2 restricting the movement of the Dangerous Dog from certain areas or locations; and

10.3.3 requiring the payment of a Dangerous Dog fee as prescribed in the Fees and Charges By-law; and

10.3.4 such other conditions as the Officer or Licence Issuer may deem appropriate.

10.4 The Officer shall serve the Dangerous Dog Keeper with notice of the order and advise the Keeper of the following:

10.4.1 the right of appeal of the order;

10.4.2 the requirement to comply with the Dangerous Dog conditions and any additional conditions imposed under Sections 10.3 and 11 of this By-Law;

- 10.4.3 that the finding that the Dog is a Dangerous Dog shall be effective immediately and continue in effect unless such determination is revoked pursuant to an appeal.

## **11. Dangerous Dog Order Conditions**

- 11.1 Every Dangerous Dog Keeper shall comply with such other conditions as may be prescribed by the Officer or the Licence Issuer.
- 11.2 Within three (3) days of receipt of service of an order issued pursuant to Section 10 of this By-Law, every Keeper of a Dangerous Dog shall display a Dangerous Dog Warning Sign in such a manner that:
  - 11.2.1 it is displayed at the edge of the Premises or at the entrance to the Dwelling Unit where the Keeper keeps the Dangerous Dog so that it is clearly visible to a Person approaching the entrance to the Dwelling Unit or Premises;
  - 11.2.2 it is erected or placed in a manner that cannot be easily removed by a passerby; and
  - 11.2.3 the Dangerous Dog Warning Sign is replaced from time to time if the Sign is removed, defaced, lost, or otherwise becomes illegible.
- 11.3 No Person shall remove a Dangerous Dog Warning Sign required to be displayed pursuant to this By-Law.
- 11.4 Every Keeper of a Dangerous Dog shall ensure that at all times when the Dog is on the Keeper's Premises, the Dog is:
  - 11.4.1 securely confined inside the Keeper's Dwelling Unit; or
  - 11.4.2 if outside the Keeper's Dwelling Unit, Dog is securely confined within a pen or other enclosed structure, which shall not include underground fencing, constructed so as to prevent the Dog from leaving the premise and that is constructed in a manner such that the Dog is unable to come into contact with Persons or other Domestic Animals.
- 11.5 Every Keeper of a Dangerous Dog shall ensure that at all times when the Dog is not on the Keeper's Premises, the Dog is:
  - 11.5.1 Muzzled;
  - 11.5.2 Securely fitted with a collar or harness in a manner such that the Dog cannot detach from the collar or harness; and
  - 11.5.3 Leashed securely to a collar or harness at all times in a manner that the Dog cannot detach the Leash from the collar or harness with the Leash held by a Person who has the strength to control the Dog to not

permit or allow unwanted contact with another Person or a Domestic Animal. Without restricting the generality of the foregoing, the requirement to keep the Dog leashed shall apply to areas in the Town that may, from time to time, be designated as off-leash dog parks so as to permit dogs to run at large. No owner of a Dog to which this subsection applies shall fail to leash the Dog.

11.6 Within fourteen (14) days of receipt of service of an order issued pursuant to Section 9 of this By-Law, every Keeper of a Dangerous Dog shall obtain, maintain, and provide proof to the Licence Issuer of a policy of liability insurance with an insurer licensed to operate in Ontario providing:

11.6.1 coverage in an amount not less than two million dollars per occurrence for losses arising from injuries caused by the Dog;

11.6.2 that the Town shall be notified in writing 30 days or more prior to any cancellation, termination, or expiry of the policy; and

11.6.3 adding the Town as an additional named insured.

11.7 Prior to any sale or other transfer or change of a Dangerous Dog or change of residence of a Dangerous Dog, a Keeper shall provide the Licence Issuer with the new physical address of the Dangerous Dog and, if any, the telephone number, and other contact information of the Dangerous Dog's new Keeper.

## **12. Appeal of Dangerous Dog Order**

12.1 Every Person who is served with an order under this By-Law shall comply with the requirements of the order within the time period specified in the order unless the Person files an appeal with the Clerk within ten (10) Business Days of the effective date of service of the order. A request of the Keeper of a Dog for a hearing under this By-Law does not act as a stay of the muzzling requirement.

12.2 An appeal shall be filed only if filed in the form and with the information required by the Clerk and, if filed with the applicable fee as prescribed in the Fees and Charges By-Law.

12.3 In the event that the Clerk determines that the appeal is not filed as required in this By-Law, the Clerk shall decline the request for a hearing.

12.4 If a request is compliant with this By-Law, the Clerk shall set a date, time and place for a hearing before the Hearing Officer and give notice of the date, time and place of the hearing to the applicant by email or mail, addressed to the applicant at the email and/or physical address set out in the application and service of the notice of hearing shall be deemed served on the third day after mailing, whether or not it is actually received.

12.5 On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Officer, the Hearing Officer may hear and view any evidence provided by the Animal Control Officer and appellant and may:

12.5.1 reverse the order;

12.5.2 uphold the order; or

12.5.3 modify any or all of the conditions of the order.

12.6 The decision of the Hearing Officer is final.

12.7 The appellant bears the onus of providing evidence satisfactory to the Hearing Officer that the relief being sought should be granted.

12.8 Upon the Hearing Officer reaching a decision, the Clerk shall serve notice of the decision in writing to the appellant at the address for the applicant set out in the appeal form.

### **13. Suspension of Dangerous Dog Designation**

13.1 One year following the issuance of an order declaring a Dog a Dangerous Dog, the Keeper of the Dangerous Dog may make application to the Clerk for the suspension of the designation upon providing proof in the form and manner satisfactory to the Clerk that the Dangerous Dog has been rehabilitated upon a satisfactory positive assessment from a recognized behavioural test.

13.2 In the event that the Clerk determines that the application is not filed as required in this By-Law, the Clerk shall decline the request for a suspension of the order.

13.3 A request of the Keeper of a Dog for a suspension of an order under this By-Law does not act as a stay of the muzzling requirement.

13.4 If a request is compliant with this By-Law, the Clerk shall forward the application, including any evidence so provided, to the Animal Control Officer or Officer who may:

13.4.1 reverse the designation;

13.4.2 uphold the designation; or

13.4.3 modify any or all of the conditions of the order.

13.5 The joint decision of the Officer and Clerk is final.

13.6 The Keeper of the Dangerous Dog bears the onus of providing evidence satisfactory to the Officer and the Clerk that the relief being sought should be granted.

- 13.7 Upon the Officer and the Clerk reaching a decision, the Clerk shall serve notice of the decision in writing to the Keeper of the Dangerous Dog at the address for the applicant set out in the application form.

**14. Seizure and Impoundment of Dogs**

- 14.1 The Officer shall seize any animal found At Large.
- 14.2 The Officer may, in their sole discretion, deliver a seized Licensed Dog to its Keeper without impounding the Licensed Dog, provided:
- 14.2.1 the Officer is able to contact the Keeper and make satisfactory arrangements for return of the Licensed Dog; and
- 14.2.2 the Officer does not have a record of the Licensed Dog having been seized in the prior twelve (12) months.
- 14.3 Except as provided in Section 14.2 of this By-Law, a Dog seized shall be considered impounded at the time and place it is seized by the Officer and may be delivered to the Pound Operator.
- 14.4 The Keeper of the Dog impounded for being At Large shall be entitled to claim the Dog within the Redemption Period.
- 14.5 Where a Dog that is impounded is not claimed by its Keeper within the Redemption Period, the Pound Operator shall:
- 14.5.1 dispose of the Dog in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22; or
- 14.5.2 transfer the Dog to the Windsor/Essex County Humane Society; or
- 14.5.3 transfer the Dog to the St. Clair College Veterinary Technician Program.
- 14.6 A Person who knowingly leaves a Dog at the Pound for longer than the Redemption Period shall be deemed to have surrendered the Dog.
- 14.7 Where a Dog is impounded and a veterinarian deems it necessary to destroy the Dog without delay for humane reasons or for reasons of safety to Persons or Domestic Animals, a veterinarian may euthanize the Dog and may do so without permitting any Person to reclaim the Dog.
- 14.8 Where a Dog is impounded, and the services of a veterinarian are secured by the Pound Operator for the Dog, the Keeper shall pay to the Pound Operator all applicable Fees, whether the Dog is alive or not.
- 14.9 Where, in the opinion of the Officer, a Dog cannot be captured and the safety of Persons or Domestic Animals are endangered, a Police Officer or other trained Person appointed by the Animal Control Officer, may euthanize the Dog and no

damages or compensation shall be recovered by the Dog Keeper for the destruction.

- 14.10 No compensation, damages, fees, or any other sum of money paid by a Person on account of or by reason of the capture, impoundment, euthanasia, or other disposal of a Dog in the course of the administration and enforcement of this By-Law shall be recovered by any Keeper or any other Person from the Town or the Pound Operator.

**15. Number of Cats in Dwelling or on Premises**

- 15.1 No Person shall Keep a Cat except in accordance with this By-Law.
- 15.2 No Person shall Keep in or about any Dwelling Unit or Premises more than three (3) Domestic Cats, which number shall not include any Cat under the age of twelve (12) weeks.
- 15.3 Notwithstanding Section 15.2 of this By-Law, any Person who, on the date of the passage of this By-Law, was lawfully Keeping more than three (3) Domestic Cats may Keep any Domestic Cats over the total number of Domestic Cats permitted until they have died or are otherwise disposed. The onus shall be on Person claiming this exemption to satisfy the Officer of the Person's entitlement to it.

**16. Dog Kennel Licensing**

- 16.1 No Person shall operate a Dog Kennel without a current, valid Kennel Licence.
- 16.2 No Person shall operate a Dog Kennel on a property that is not designated in a Zoning By-law to permit a Kennel.
- 16.3 Every Person operating a Dog Kennel shall ensure that the Dog Kennel is operated in accordance with the applicable Standards of Care in Schedule "A".
- 16.4 In addition to the requirements in Sections 5 and 6 of this By-Law, an applicant for a Kennel Licence or renewal of a Kennel Licence shall file with the Licence Issuer proof of membership in good standing with the Canadian Kennel Club.
- 16.5 The Licence Issuer shall refuse to issue or renew a Kennel Licence where the Licence Issuer is not satisfied that:
- 16.5.1 the application complies with Sections 5 and 6 of this By-Law;
  - 16.5.2 the applicant is in good standing with the Canadian Kennel Club;
  - 16.5.3 the application is complete, and applicable Fees have been paid; or
  - 16.5.4 after inspection by an Officer, the Dog Kennel is found not to be in compliance with this By-Law.
- 16.6 A Kennel Licence shall expire upon the earliest of:

- 16.6.1 the date that the Person operating the Dog Kennel ceases to operate the Dog Kennel; or
- 16.6.2 the date set out in the Licence as the expiry date.
- 16.7 The Licence Issuer may revoke a Kennel Licence in the event that:
  - 16.7.1 the Kennel Licence was issued in error or as a result of false information provided in the application;
  - 16.7.2 the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or
  - 16.7.3 the Person operating the Kennel:
    - (a) after inspection by an Officer, fails to satisfy the Standards of Care contained in Schedule "A" attached hereto on more than three (3) occasions in a two (2) year period; or
    - (b) is convicted of an offence under this By-Law.
- 16.8 In the event that a Person's Kennel Licence is revoked pursuant to Section 16.7 of this By-Law, that Person shall not make application for a Kennel Licence on any Premises earlier than one (1) year following the date of revocation.
- 17. **Keeping of Specific Animals**
  - 17.1 No Person shall Keep an Animal except in accordance with this By-Law.
  - 17.2 Despite Section 17.1 of this By-Law, a Person may Keep Livestock if Kept on Premises designated Agricultural in a Zoning By-law.
  - 17.3 No Owner of Livestock shall allow or permit their Livestock to run at large within the Town.
  - 17.4 For the purposes 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.
  - 17.5 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.
  - 17.6 Despite Section 17.1 of this By-Law, a Person may Keep the following:
    - 17.6.1 a rabbit, mink or ferret;
    - 17.6.2 an Animal in the Raptor species, if the Keeper is licensed to practice falconry in the Province of Ontario;

- 17.6.3 an Animal in the Rodentia species, if:
- (a) the Animal will not weigh more than 1,500 grams at any time in its life; and
  - (b) the Animal is derived from a self-sustaining captive population;
- 17.6.4 an Animal in the Squamata species, if:
- (a) the Animal is a snake or a lizard;
  - (b) in the case of a snake, it will not exceed three (3) metres in length from nose to tip of tail at any time in its life; and
  - (c) in the case of a lizard, it will not exceed two (2) metres in length from nose to tip of tail at any time in its life.
- 17.6.5 Despite anything to the contrary in this By-Law, no Person shall do any of the following:
- (a) Keep any insect, spider, Rodentia, or Squamata, except in an escape-proof enclosure.
  - (b) Keep any Animal that produces any poison, venom, or toxin.
  - (c) Keep more than three (3) of any combination of the Animals described in Section 17 of this By-Law.
- 17.7 No Person shall Own, Sell or Cause to be Sold, or Transfer Ownership of a Prohibited Animal Species within the Town.
- 17.8 No Person shall transport a Prohibited Animal Species within the Town.
- 17.9 No Person shall allow or permit a Prohibited Animal Species to run at large within the Town.
- 17.10 Every Keeper of an Animal shall be responsible to ensure that the property upon which the Animal or Animals are Kept is maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle which will not create a nuisance or a health hazard.
- 18. Feeding of Wildlife**
- 18.1 No Person shall intentionally feed a wild Animal or leave food or attractants of any type or in any form in such a manner as to attract, or be accessible by a wild Animal, feral or stray Domestic Animal on any property.
- 18.2 Section 18.1 of this By-Law does not apply to the feeding of songbirds on private property, provided the following requirements are adhered to:
- 18.2.1 seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by wild Animals;

- 18.2.2 bird feeding practices do not attract large flock of homing birds such as wild, feral, or Domestic pigeons; and
  - 18.2.3 spillage of seed upon the ground is removed by the property owner or occupant forthwith and disposed of in such a manner that it does not attract wild Animals, Rodents, feral or stray Domestic Animals.
  - 18.2.4 does not, in the sole opinion of the Officer, create a nuisance to neighbouring property.
- 18.3 Section 18.1 of this By-Law does not apply to:
- 18.3.1 the leaving of food as bait in a trap by a property owner or occupant to capture a sick or injured Animal inhabiting or habituating their property pursuant to this By-Law;
  - 18.3.2 the leaving of food as bait by a licensed trapper, an employee of a wildlife or pest control agency licensed to operate in the Province of Ontario, the Animal Control Officer, a By-law Enforcement Officer, or other government entity in the performance of their duties; and
  - 18.3.3 the leaving of food for a colony of stray or feral Cats for the purpose of trap, neuter or spay, and release (TNR) program authorized by the Licence Issuer.
19. **Administration & Enforcement**
- 19.1 A By-law Enforcement Officer may:
- 19.1.1 at any reasonable time, enter onto land for the purpose of carrying out an inspection for the purpose of determining compliance with this By-Law or the Act;
  - 19.1.2 during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;
  - 19.1.3 during an inspection require information from any Person concerning a matter related to the inspection;
  - 19.1.4 during an inspection be accompanied by a Police Officer or other such Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this By-Law;
  - 19.1.5 conduct or direct a Person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the By-law Enforcement Officer believes necessary for the purposes of inspection;

- 19.1.6 conduct inspections prior to a determination as to whether to issue a licence or to confirm compliance with a Licence or conditions thereof; and
- 19.1.7 require that a Licence holder or Keeper provide any such information as may be required for the enforcement of this By-Law.
- 19.2 In addition to any other provision of this By-Law, and subject to the provisions of the Act, a provincial judge or justice of the peace may issue an order authorizing an Officer and any Person under the Officer's direction to enter onto or into any Premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this By-Law, a Licence issued under this By-Law, or an order made under Section 431 of the Act in relation to the subject matter of this By-Law.
- 19.3 No Person shall refuse or neglect to produce for inspection any document or thing required by an Officer pursuant to this By-Law.
- 19.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-Law.
- 19.5 Every Person upon request is required to provide identification to the Officer under this By-Law and shall identify themselves to the Officer. Giving their correct name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the Officer.
- 19.6 No Person shall omit information or provide a false or intentionally misleading statement or representation in any application, agreement, investigation, or inspection.
- 19.7 Where an Officer is satisfied that a contravention of this By-Law has occurred, an order may be made requiring the Person who contravened this By-Law or who caused or permitted the contravention to correct the contravention. The order shall set out:
  - 19.7.1 reasonable particulars of the contravention;
  - 19.7.2 particulars of the location where the contravention occurred;
  - 19.7.3 any work to be done or steps to be taken to comply with this By-Law;
  - 19.7.4 the date by which the work must be done or steps taken; and
  - 19.7.5 provide that if any work specified is not completed by the date specified to the satisfaction of the Officer, that the Officer may cause the work to be done at the expense of the owner of the Premises.
- 19.8 Pursuant to subsection 445(3) of the Act, an order pursuant to Section 19.3 of this By-Law may require the work to be done even though the facts which

constitute the contravention of the By-Law were present before this By-Law making them a contravention came into force.

## 20. **Offences**

- 20.1 Every Person who contravenes any provision of this By-Law, a Licence, a condition to a Licence, or an order issued pursuant to this By-Law is guilty of an offence, and upon conviction, is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended from time to time.
- 20.2 A Person found guilty shall be liable upon conviction:
- 20.2.1 to a minimum fine of \$500 and a maximum fine of \$100,000 for a first conviction;
  - 20.2.2 in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500 and a maximum fine of \$10,000 with the total of all daily fines not exceeding \$100,000; and
  - 20.2.3 in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of all daily fines not exceeding \$100,000.
- 20.3 An offence under this By-Law may constitute a continuing offence or a multiple offence as set out in the Act.
- 20.4 Any director, employee or officer of a corporation who knowingly authorizes, permits, or acquiesces in the contravention of this By-Law, a Licence, a condition to a Licence, or an order issued pursuant to this By-Law is guilty of an offence and subject to prosecution pursuant to the Provincial Offences Act.
- 20.5 For the purposes of Section 20.2 and 20.3 of this By-Law, each day on which a Person, a director or officer of a Corporation, contravenes any of the provisions of this By-Law shall be deemed to constitute a separate offence under this By-Law.
- 20.6 The levying and payment of any fine as provided for under the Provincial Offences Act shall not relieve a Person from the necessity of compliance with the obligations under this By-Law.
- 20.7 If this By-Law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the Court in which the conviction is entered, and any court of competent jurisdiction thereafter may make an order:
- 20.7.1 prohibiting the continuation or repetition of the offence by the Person convicted; and

20.7.2 requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

20.8 No person shall fail to comply with any condition or term of any order issued under this By-Law. If there is a contravention of any provision of this By-Law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be continuing offences for each day or part of a day that the contravention remains uncorrected

## **21. Administrative Penalties**

21.1 Instead of laying a charge under the Provincial Offences Act for any breach of any provision of this By-Law, an Officer may issue an Administrative Penalty to the Person who has contravened this By-Law provided the authority for the Town to issue Administrative Penalties has been granted by the Town's Administrative Monetary Penalties By-Law 2024-048 as amended.

21.2 An Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for a contravention of this By-Law, no charge shall be laid against that same Person for the same contravention.

21.3 The amount of the Administrative Penalty for a contravention of a provision of this By-Law is fixed as set out in the Town's Administrative Monetary Penalties By-Law 2024-048 as amended from time to time, or any successor by-law.

21.4 If an Officer issues a penalty notice, the Owner may appeal the penalty through the Administrative Monetary Penalties System appeal process outlined in By-Law 2024-048 as amended.

21.5 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the Administrative Monetary Penalties By-Law 2024-048 as amended from time to time, or any successor by-law.

21.6 An Administrative Penalty imposed on a Person pursuant to this By-Law that is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the Town and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

## **22. Collection of Fees**

22.1 A Fee may be required and payable for:

22.1.1 an inspection conducted by an Officer to ascertain compliance with this By-Law for the purpose of a Person applying for a Licence; and

22.1.2 for the second and each subsequent inspection conducted by an Officer to ascertain compliance with a notice, direction or order

pursuant to this By-Law that is conducted after the specified date for compliance.

- 22.2 All Fees and charges payable under this By-Law are due on demand and are a debt owing to the Town bearing interest at the rate established in the Fees and Charges By-law from the date of demand until payment in full. The debt may be enforced by any means available to the Town, and without limiting the generality of the foregoing, the debt in the nature of Fees may, if applicable, be added to the tax roll of any property for which all of the owners are responsible for payment of the debt, and thereafter collectable as property taxes. All remedies open to the Town are cumulative.
- 22.3 All Fees and charges incurred under this By-Law are payable whether or not there is a charge laid, and whether or not any charge laid leads to a conviction and whether or not a fine has been paid as a result of a charge being laid.
- 22.4 Where a fine is in default, the Town may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 22.5 The Town may make a request to the treasurer of a local municipality for which all Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

## **23. Administration & Delegation**

- 23.1 The administration of this By-Law is assigned to the Licence Issuer who is delegated the authority to:
- 23.1.1 make all decisions required of the Licence Issuer under this By-Law;
  - 23.1.2 perform all administrative functions assigned under this By-Law and those incidental to and necessary for the due administration and implementation of this By-Law;
  - 23.1.3 establish and revise from time to time, such forms, documents, and such standards, protocols and procedures as the Licence Issuer may determine are required to implement and administer this By-Law; and
  - 23.1.4 develop, implement and promote programs and guidelines to encourage responsible ownership, care and control of Dogs and Cats provided that the programs and guidelines are consistent with the spirit of this By-Law and within Council approved budgets.
- 23.2 The Licence Issuer may delegate the performance of any one or more of his or her functions under this By-Law to one or more Persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The Licence Issuer may continue to exercise any function delegated during the delegation.

- 23.3 Unless specifically provided to the contrary in this By-Law, the decisions of the Licence Issuer, Animal Control Officer and/or Officer as applicable are final and not subject to appeal.
- 23.4 Without limiting the generality of Section 23.2 of this By-Law, the Licence Issuer may enter into agreements, in a form established by the Licence Issuer to authorize Persons who are not Town employees to issue Licences on behalf of the Licence Issuer, pursuant to this By-Law and subject to the terms and conditions of the Agreement. The Licence Issuer may authorize payment of such Persons of the applicable commission for such service, established by the Licence Issuer from time to time. The Licence Issuer may terminate any such agreement in writing, in accordance with the provisions of the Agreement.
- 23.5 This by-law shall be enforced by any Officer and, where provided in this By-Law, the Licence Issuer.
- 23.6 The Licence Issuer may develop, implement and maintain in force, a program to control or monitor Cats which authorizes participants, in accordance with program guidelines, at their own cost and expense or in accordance with approved budgets to:
- 23.6.1 trap feral Cats;
  - 23.6.2 cause the trapped feral Cat to be Altered; and
  - 23.6.3 release the Altered Cat in the same area from which they were captured.
- 23.7 Participation in any program to control or manage feral Cats shall be restricted to Persons approved by the Licence Issuer upon application in writing, in the form established by the Licence Issuer, and in accordance with guidelines established by the Licence Issuer in establishing the program. The Licence Issuer may revoke any approval granted.
- 23.8 Method of Delivery of Order An order under this By-Law shall be deemed to have been served on a Person:
- 23.8.1 if delivered to the Person Personally;
  - 23.8.2 by sending to the Person by regular mail;
  - 23.8.3 by sending to the Person by registered mail at the last known address of the Person; or
  - 23.8.4 by posting in a visible location on the Premises in a manner likely to bring it to the attention of the Person being served.
- 23.9 Service of a notice or order under this By-Law shall be effective:

- 23.9.1 In the case of Personal service, on the date that Personal service is effected.
- 23.9.2 In the case of regular or registered mail, 4 days following the date of mailing.
- 23.9.3 In the case of posting, 2 days after the date of posting.
- 23.10 Where the identity of the Dog Keeper is in question, the Licence Issuer or By-law Enforcement Officer may:
  - 23.10.1 deem the last known Keeper of a Dog to be the Dog Keeper and serve that Person accordingly; or
  - 23.10.2 at such address as appears to be the address of the Dog Keeper.
- 24. **Confidential Information**
  - 24.1 Every Person authorized to conduct activities under this By-Law is authorized to collect personal information for the purposes of administering and enforcing this By-Law in accordance with this By-Law. Questions regarding collection of personal information may be referred to the Licence Issuer.
  - 24.2 All information submitted to and collected by the Town in accordance with this By-Law shall, unless the Clerk determines otherwise, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended.
- 25. **Transition**
  - 25.1 Any Kennel Licence issued pursuant to By-law 2003-91 shall be continued under this By-Law until its expiry on the 31st day of December 2025, despite the repeal of By-law 2003-91.
  - 25.2 An enforcement proceeding commenced under By-laws 1999-07, 2003-91, and 2017-61 shall continue despite the repeal of those By-laws.
- 26. **Validity and Severability**
  - 26.1 If any provision or part of this By-Law is declared by any court or tribunal of competent jurisdiction to be invalid, illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the remainder of this By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
  - 26.2 If there is a conflict between the provisions of this By-Law and any other by-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.

**27. Short Title**

27.1 This By-law shall be referred to as the “Animal Control By-Law”.

**28. Repeal**

28.1 By-law 1999-07, By-law 2003-91, By-law 2005-43 and By-law 2017-61 and any amendments to those by-laws are hereby repealed upon the coming into force of this By-Law.

28.2 Where a by-law is repealed by this By-Law, the repeal does not:

28.2.1 revive any by-law not in force or existing at the time of which the repeal takes effect;

28.2.2 affect the previous operation of any by-law so repealed;

28.2.3 affect the right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed; or

28.2.4 affect any offence committed against any By-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

**29. Enactment**

This By-law shall come into force and effect upon the final passage thereof.

**Read** a first, second, third time and finally passed this 24th day of June, 2025.



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Gary McNamara, Mayor

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Robert Auger, Clerk

## **Schedule “A”**

### **By-Law No. 2025-087**

#### **Standards of Care**

#### **1. General Standards of Care for Dogs**

- 1.1 Every Dog must be provided with adequate and appropriate:
  - 1.1.1 unspoiled food and potable water;
  - 1.1.2 medical attention;
  - 1.1.3 care necessary for its general welfare;
  - 1.1.4 resting and sleeping area; and
  - 1.1.5 space to enable the Dog to move naturally and to exercise;
  - 1.1.6 sanitary conditions;
  - 1.1.7 ventilation;
  - 1.1.8 light; and
  - 1.1.9 access to sufficient shade and protection from the elements, including harmful temperatures.
- 1.2 Every Dog must be transported in a manner that ensures its physical safety and general welfare.

#### **2. Standards of Care for Dogs that Live Outdoors**

- 2.1 Every Dog that lives primarily outdoors must be provided with a structurally sound enclosure for its use at all times that:
  - 2.1.1 is weather-proofed and insulated; and
  - 2.1.2 is of a size and design that is adequate and appropriate for the Dog.

#### **3. Standards of Care for Dog Enclosures**

- 3.1 Every Person that confines a Dog to a pen or other enclosed structure or area shall ensure that:
  - 3.1.1 the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;

- 3.1.2 the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are:
- 3.1.3 safe and non-toxic for the Dog, and
- 3.1.4 of a texture and design that will not bruise, cut or otherwise injure the Dog; and
- 3.1.5 the pen or other enclosed structure or area must not contain one or more other animal that may pose a danger to the Dog.
- 3.2 In addition to the provisions in Section 3.1 of this Schedule “A”, every Person that confines a Dog shall ensure that the following minimum space requirements are met regarding primary enclosures:

Height of the Dog measured at the shoulder (cm)	Area (m <sup>2</sup> )	Width (m)	Height (m)
70 or greater	15	2.40	1.80
40 to 70	10	1.80	1.80
20 to 40	6	1.40	1.20
5 to 20	4	1	1.20

**Table 1: Minimum Primary Enclosure Space Requirements**

- 3.3 The minimum primary enclosure space requirements in 3.2 of this Schedule “A” apply to the keeping of one adult dog. Dams and their puppies up to eight weeks of age must be provided with an additional space of 10% per puppy. If two or more adult dogs are kept in one enclosure, the minimum dimensions for the enclosure specified are increased by 1.5 m<sup>2</sup> for each dog kept in the enclosure.
- 3.4 If more than one dog that is kept outdoors is kept in the same housing pen, the keeper of the dogs must ensure that,
- 3.4.1 (a) dogs exhibiting aggression to other dogs are not placed with incompatible dogs; and
- 3.4.2 (b) a female dog that is in heat or coming into heat is not placed with a male dog.