



The Corporation of the Municipality of
Central Elgin

BY-LAW 1139

Being a By-law to Prohibit the Running at Large of Dogs;
For Imposing a Fee on the Owners of Dogs;
For Regulating the Disposal of Dogs Running at Large;
and For Other Matters relating to Dogs

WHEREAS the Municipal Act 2001, as amended, including sections 11(3), 103(1), and 105, provide that a municipality may pass by-laws respecting animals, including regulating and prohibiting with respect to the being at large, trespassing of animals and muzzling and;

WHEREAS related provisions exist under the Dog Owner's Liability Act, R.S.O. 1990, Chapter D. 16, the Pounds Act, R.S.O. 1990, Chapter P.17 and the Animals for Research Act, R.S.O. 1990, Chapters A.22; and

WHEREAS the Council of the Corporation of the Municipality of Central Elgin deems it desirable to prohibit the running at large of dogs in the Municipality, to provide for the seizing, impounding and destroying of dogs found running at large as hereinafter set forth, and to provide for the licencing and regulating of the owners of dogs and dog kennels in the Municipality within the meaning of the Municipal Act, 2001, as amended.

NOW THEREFORE, the Council of The Corporation of the Municipality of Central Elgin enacts as follows:

1. Definitions
"In this by-law,"
 - 1.1 Animal Control Officer - shall mean a person appointed by the Council of the Municipality to enforce this By-law as a Municipal Law Enforcement Officer or Provincial Offences Officer.
 - 1.2 At Large – a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person.
 - 1.3 Dog – shall mean any member of the species "canis familiaris".
 - 1.4 Exposed to Rabies – shall mean that an animal has been exposed to rabies, within the meaning of this By-law, if it has been bitten by any animal know to have been infected with rabies.
 - 1.5 Guide Dog – shall mean a dog that is trained to guide the blind and/or deaf and is actively in use for such purpose.
 - 1.6 Dog Kennel – shall mean an establishment which is licensed by the Municipality under the provision of this By-law for the breeding or boarding of more than four (4) dogs whether or not for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.
 - 1.7 Municipality – shall mean The Corporation of the Municipality of Central Elgin
 - 1.8 Owner – shall mean any person, group of persons, partnership or corporation who possesses or harbours dogs; and "owns" or "owned", shall have a corresponding meaning, and shall include a person or persons who are temporarily the keeper of dogs and where the owner is a minor, the person responsible for the custody of the minor.

- 1.9 Person – shall mean any individual, partnership, corporation, business entity, or club to whom the context can apply.
- 1.10 Police Work Dog – shall mean a dog trained to aid Law Enforcement Officers and which dog is actually being used for Police work purposes.
- 1.11 Pound – shall mean such premises and facilities under the authority of the Pounds Act designated by the Municipality for the purposes of impounding and caring for animals impounded by the Municipality in violation of this By-law.
- 1.12 Pound Keeper – shall mean the person appointed by the Municipality to maintain and administer the pound.
- 1.13 Pure-Bred shall mean a dog registered or eligible for registration with an association incorporated under the “Animal Pedigree Act”.
- 1.14 Restraint – shall mean a dog is under restraint within the meaning of this By-law if it is on the owner’s property, out on a leash, or at “heel” beside a person and is obedient to the person’s command.

2. DOGS RUNNING AT LARGE:

- 2.1 No person shall suffer, allow or permit any dog of which he or she is the owner to run at large within the limits of the Municipality.
- 2.2 A dog shall not be considered “Running at Large” if it is:
 - a Guide Dog
 - a Police Work Dogprovided it is actively engaged in the performance of its trained duties
- 2.3 An Animal Control Officer or Police Constable may seize a dog running at large and shall, subject to the provisions of this By-law, deliver the dog to the pound.
- 2.4 An Animal Control Officer may enter upon any public property, or upon any private property with the consent of the owner or tenant, for the purpose of seizing any dog running at large.

3. IMPOUNDMENT

- 3.1 It shall be the duty of the Animal Control Officer to capture a dog found running at large and return it to the owner’s habitual residence if known, or to impound same, when practical, where it can be confined subject to the right of the owner to redeem the dog within the redemption period as set out in Section 3.7 of this By-law by paying to the Municipality the applicable poundage fees.
- 3.2 In the event an impounded dog is not redeemed by the owner within the redemption period, the dog shall become the property of the Municipality, which may sell it or otherwise dispose of it as deemed appropriate. When not practical to impound, dogs running at large may be destroyed whether before or after impoundment and in either event aforesaid, no damages or compensation shall be recovered on account of the dog being destroyed or its other disposition.
- 3.3 The owner of every dog impounded, whether or not the dog is claimed by the owner from the pound, is liable for the payment of any pound fee, boarding fee, and any applicable euthanasia and disposal fees.

- 3.4 In the event that an impounded dog has not been redeemed within the redemption period and the dog has become the property of the Municipality, the Animal Control Officer may order the dog destroyed or otherwise place the dog, if suitable, as a pet with a new owner or organization such as the Ontario Society for the Prevention of Cruelty to Animals (O.S.P.C.A.) or Humane Society and attach such conditions of placement as the Municipality may prescribe.
- 3.5 When, in the judgement of the Municipality, its agents or servants, a dog should be destroyed for humane reasons, such dog may not be redeemed.
- 3.6 Where it is alleged that a dog has bitten any person or domestic animal, such dog may be impounded and held by the Pound until proceedings under the Dog Owner's Liability Act, R.S.O. 1990, Chapter D. 16 have been complied with, provided that no such dog shall be so impounded or held for a period in excess of 21 days unless otherwise ordered by a Court of competent jurisdiction.
- 3.7 The minimum redemption period shall be three days, excluding the day on which the dog was impounded and holidays shall be included in calculating any redemption period.

4. MUZZLING OR LEASHING OF DOGS

- 4.1 Where a dog has been declared as a dangerous or potentially dangerous dog, the provisions of By-law 465, including any and all provisions relating to enforcement, continue to apply to such dog.

5. LICENSES AND DOG TAGS

- 5.1 Subject to Section 5.3, every person residing temporarily or permanently within the limits of the Municipality and being the owner of a dog shall, on or before the 15th day of January in each and every calendar year, cause such dog to be registered with the Municipality and shall procure a license and tag therefor, which shall expire on the 31st day of December in each calendar year in which the license is issued.
- 5.2 Every owner of a dog shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is lawfully used for hunting.
- 5.3 Every person residing temporarily or permanently within the limits of the Municipality and being the owner of a dog shall, within 15 days after becoming the owner of such dog, cause the dog to be registered with the Municipality and procure a license and tag therefor, which license shall expire on the 31st day of December in the calendar year in which the license was issued.
- 5.4 The tag referred to in Sections 5.1 and 5.3 above shall bear a serial number and the year in which it was issued and record shall be kept by the Clerk or other Officer designated for that purpose showing the name and address of the owner and the serial number of the tag.
- 5.5 No licence issued under this by-law is transferable.

6. LICENCE FEES

- 6.1 An annual dog licence fee is hereby authorized and imposed and shall be collected by the Municipality from the owner of every dog or the owner of a dog kennel in the Municipality.
- 6.2 Licence fees shall be set by by-law and enacted by Council from time to time.

7. KENNELS

- 7.1 Every owner of a dog kennel shall apply for and pay an annual licence fee as set by the Municipality.
- 7.2 The owner of a dog kennel that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) shall pay an annual licence fee fixed by the municipality for the dog kennel instead of a licence fee for each dog housed within the dog kennel.
- 7.3 Any dog kennel located within the Municipality of Central Elgin must conform to the provisions of the Municipality's comprehensive Zoning By-law and no dog kennel, run, pen or exercise yards shall be erected contrary to the provisions of that By-Law.
- 7.4 An application for a dog kennel licence or renewal shall be submitted in the proper form, including a detailed site plan and the appropriate fee payable to the Municipality.
- 7.5 Any applications for a new dog kennel shall be subject to circulation and a public meeting for a decision by Council as to whether or not a dog kennel licence shall be granted. Notice of the aforementioned public meeting shall be circulated to all property owners within 120 metres of the new dog kennel property. Council may, by resolution, delegate the holding of the aforesaid public meeting to a committee of Council and the provisions of Section 224 of the Municipal Act shall apply.
- 7.6 The Municipality may require the owner of a dog kennel to erect and install a proper fence, to a height acceptable to the municipality, around every pen, run or exercise yard.
- 7.7 No person shall operate a dog kennel except in accordance with the terms and conditions of the kennel licence issued by the Municipality.
- 7.8 Notwithstanding the provisions of this By-Law, the Municipality may, in its absolute discretion, limit the number of dogs which may be kept in the dog kennel as a condition of the licence.
- 7.9 After having given notice in writing to the owner and/or operator of such dog kennel, the Municipality may, at any time, cancel a Dog Kennel License when it is Council's determination that the continued operation of the dog kennel is not in the best interest of the Municipality. Grounds for cancellation of a Dog Kennel License include but are not limited to unresolved noise complaints, sanitation, care of dogs as established by the Pound Act, or uses other than that permitted by the Dog Kennel License.
- 7.10 The written notice described in Section 7.9, above, shall be delivered in person or mailed by prepaid registered mail to the licenced owner of the dog kennel. In the case of where the dog kennel owner does not own the property on which the dog kennel is located, said notice shall be given to both the licenced dog kennel owner and the property owner.
- 7.11 In the event a Dog Kennel License has been cancelled, the owner of such dog kennel may appeal the cancellation to a designated Committee of Council, such appeal hearing to be held in public.
- 7.12 No person shall operate or continue to operate a dog kennel without a valid dog kennel license.
- 7.13 All dog kennel licences shall be valid for the calendar year in which such licence was issued, at all times expiring the 31st day of December of such calendar year.

7.14 In the event that there is a change in ownership of the lands upon which a licensed dog kennel is operated, the dog kennel license then in effect will remain in effect until expiry on December 31st of that calendar year, subject to cancellation in accordance with Section 7.9 above.

8. DOG WASTE

8.1 Every person who owns, harbours, possesses or is in control of any dog within the Municipality shall remove forthwith and dispose of any excrement left by said dog on any public or private property in the Municipality other than the lands of the owner of the dog.

9. MISCELLANEOUS MATTERS

9.1 Subject to the provisions of this By-Law, no owner or occupier of a premises as defined in the Occupier's Liability Act, 1990, R.S.O., c.O.2 and within the Municipality, shall keep more than three (3) dogs on said premises; for the purpose of this paragraph, puppies that have not been weaned shall not be counted in determining the number of dogs on the premises.

The provisions of this section do not apply to:

- 9.1.1 an animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinary Association;
- 9.1.2 a pet store
- 9.1.3 an Ontario Humane Society Shelter or the Pound which complies with this By-Law
- 9.1.4 a validly dog licenced kennel meeting the requirements of Section 7 of this By-Law.

9.2 No owner of a dog shall permit the dog to make any noise likely to disturb the peace, quiet, comfort or repose of inhabitants of the Municipality for a period greater than one hour.

10. NO LIABILITY FOR DAMAGES

10.1 The Municipality, its agents and servants, and in particular the Animal Control Officer, shall not be liable for damages or compensation for any dog killed, euthanized, or otherwise disposed of pursuant to any provision of this By-Law and no such damages or compensation shall be paid to any person.

11. PENALTY PROVISIONS

11.1 Every person who contravenes any provision of this By-Law

11.1.1 is guilty of an offence; and

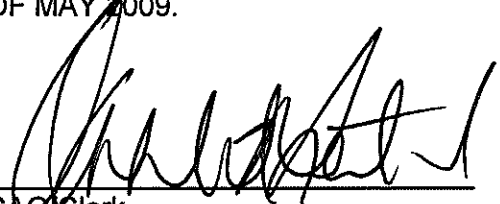
11.1.2 upon conviction thereof is liable to a fine or penalty of not more than \$5,000.00 for such offence and each such fine or penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, as amended, or any successor thereto.

12. SHORT TITLE

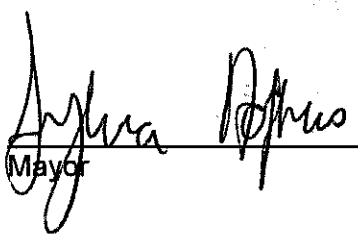
12.1 This By-Law may be cited as the Municipality of Central Elgin Dog Control By-Law.

13. This By-Law will come into effect and former Village of Belmont By-law 93-11, former Township of Yarmouth By-law 2814 and former Village of Port Stanley By-law 2616 will be rescinded upon final approval of the Set Fine Schedule by the Ministry of the Attorney General.

READ a FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF MAY 2009.



CAO Clerk



Mayor

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
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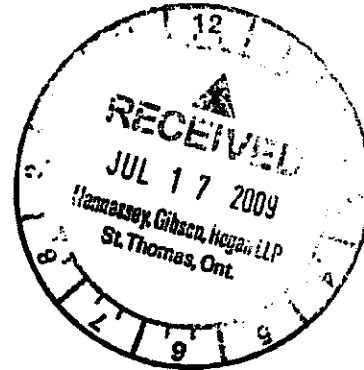


CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3248

July 14, 2009

Mr. Stephen H. Gibson
Hennessey Gibson Hogan, LLP
99 Edward Street, 2nd Floor
St. Thomas, Ontario
N5P 1Y8



Dear Mr. Gibson:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 1139, of the Municipality of Central Elgin**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in St. Thomas, Ontario, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kathleen E. McGowan'.

Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures

/pp

cc: Manager, Provincial Offences Court

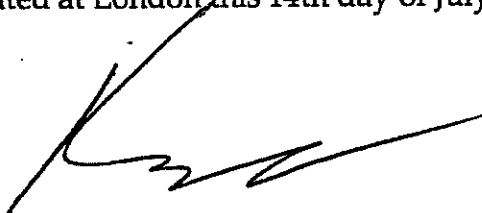
ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 1139, of the Municipality of Central Elgin, attached hereto are the set fines for those offences. This Order is to take effect July 14, 2009.

Dated at London this 14th day of July, 2009.



Kathleen E. McGowan
Regional Senior Justice
West Region

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO.

TITLE: Dog Control By-Law

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
	Short Form Wording	Provision Creating or Defining Offence	Set Fine (Includes Costs)
1.	Owner suffer dog to run at large	s. 2.1	\$115.00
2.	Owner allow dog to run at large	s. 2.1	\$115.00
3.	Owner permit dog to run at large	s. 2.1	\$115.00
4.	Owner fail to register dog	s. 5.1	\$115.00
5.	Owner fail to procure license	s. 5.1	\$115.00
6.	Owner fail to keep dog tag fixed on dog	s. 5.2	\$115.00
7.	Owner fail to register new dog	s. 5.3	\$115.00
8.	Owner fail to purchase license – new dog	s. 5.3	\$115.00
9.	Fail to pay kennel license fee	s. 7.1	\$250.00
10.	Fail to pay dog license fee – dog kennel owner	s. 7.2	\$250.00
11.	Fail to erect/install proper fence – dog kennel owner	s. 7.6	\$250.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section _____ of the By-Law _____, a certified copy of which by-law has been filed.

THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO.

TITLE: Dog Control By-Law

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
	Short Form Wording	Provision Creating or Defining Offence	Set Fine (Includes Costs)
12.	Operate dog kennel contrary to kennel license	s. 7.7	\$250.00
13.	Fail to remove dog excrement	s. 8.1	\$115.00
14.	Fail to dispose of dog excrement	s. 8.1	\$115.00
15.	Keep more than three (3) dogs in premises – owner	s. 9.1	\$250.00
16.	Keep more than three (3) dogs in premises – occupier	s. 9.1	\$250.00
17.	Owner permit dog to make noise likely to disturb the peace	s. 9.2	\$115.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section _____ of the By-Law _____, a certified copy of which by-law has been filed.