

## BY-LAW NO. 2673

### BEING A BY-LAW TO PROHIBIT THE RUNNING AT LARGE OF DOGS & OTHER MATTERS RELATING TO DOGS IN THE IN THE MUNICIPALITY OF CENTRAL ELGIN

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides 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, c. D. 6, the Pounds Act, R.S.O. 1990, c. P.17 and the Animals for Research Act, R.S.O. 1990, c. A.22;

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

#### SHORT TITLE

This By-law may be cited as the 'Dog Control By-law'

#### Section 1 - Definitions

In this By-law:

- 1.1 'Animal Control Officer' shall mean a person appointed by the Council of the Corporation of the Municipality of Central Elgin to enforce this By-law, or designate.
- 1.2 'At Large' shall mean a dog 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 known to have been infected with rabies.
- 1.5 'Guide Dog' shall mean a dog that is trained to guide and/or assist a person with disabilities 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) domesticated animals 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 'Identification Tag or Microchip' shall mean:
  - a) a tag capable of being affixed to a collar which is affixed to a Dog;
  - b) a device, designed to an approved Canadian standard, implanted in a Dog, containing a unique code that permits or facilitates access by the Animal Control Officer to information such as the name and contact information of the Dog's Owner.
- 1.8 'Municipality' shall mean the Corporation of the Municipality of Central Elgin.
- 1.9 '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.
- 1.10 'Person' shall mean an individual, corporation, partnership or sole proprietorship.
- 1.11 'Police Work Dog' shall mean a dog trained to aid Law Enforcement Officers and which dog is actually being used for Police work purposes.

- 1.12 '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.
- 1.13 'Pound Keeper' shall mean the person appointed by the Municipality to maintain and administer the pound.
- 1.14 'Pure-Bred' shall mean a dog registered or eligible for registration with an association incorporated under the Animal Pedigree Act.
- 1.15 'Restraint' shall mean a dog 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.

## **Section 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 at large if it is:  
a) a Guide Dog  
b) a Police Work Dog, provided it is actively engaged in the performance of its trained duties
- 2.3 An Animal Control Officer 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 on any public property, or private property with the consent of the owner or tenant, for the purpose of seizing any dog running at large.

## **Section 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 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 the pound fee, the 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 place a dog that is suitable as a pet with a new owner or organization such as the Humane Society and attach such conditions of placement as the Municipality may prescribe.
- 3.5 When, in the judgement of the Municipality or its agents, an animal 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 dog shall be so impounded or held for a period of 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.

#### **Section 4 – Muzzling or Leashing of Dogs**

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

#### **Section 5 - Licensing**

- 5.1 Every owner of a dog possessed, harboured, or kept, whether permanently or temporarily, within the Municipality shall ensure that an identification tag or microchip is at all times affixed to each such dog under the care, supervision, or control of that owner.
- 5.2 Minimum requirements for information to be included on the identification tag or microchip shall be:
- a) Owner Name
  - b) Owner Phone Number

#### **Section 6 - Kennels**

- 6.1 Every owner of a kennel shall apply for and pay an annual licence fee as set by the Municipality.
- 6.2 The owner of a dog kennel that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act shall pay an annual licence fee fixed by the municipality for the dog kennel instead of a licence fee for each dog.
- 6.3 Any dog kennel located within the Municipality of Central Elgin shall 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.
- 6.4 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.
- 6.5 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 meters 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, 2001, S.O. 2001, c. 25, as amended shall apply.
- 6.6 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.
- 6.7 No person shall operate a dog kennel except in accordance with the terms and conditions of the kennel licence issued by the Municipality.
- 6.8 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.
- 6.9 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 licence 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 licence include but are not limited to unresolved noise complaints, sanitation, care of dogs as established by the Pounds Act, R.S.O. 1990, c. P.17, or uses other than permitted by the dog kennel licence

- 6.10 The written notice described in Section 6.9 above shall be delivered in person or mailed by prepaid registered mail to the licenced owner of the dog kennel. In the case 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.
- 6.11 In the event a dog kennel licence has been cancelled, the owner of such dog kennel may appeal the cancellation in a public meeting to a designated committee of Council, such appeal hearing to be held in public.
- 6.12 No person shall operate or continue to operate a dog kennel without a valid dog kennel licence.
- 6.13 All dog kennel licences shall be valid for the calendar year in which such licence was issued, at all times expiring on the 31st day of December of such calendar year.
- 6.14 In the event that there is a change in ownership of the lands upon which a licenced dog kennel is operating, the dog kennel licence then in effect will remain in effect until expiry on December 31<sup>st</sup> of that calendar year, subject to cancellation in accordance with section 6.9 above.

#### **Section 7 – Dog Waste**

- 7.1 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 premises of the owner of the dog.

#### **Section 8 – Miscellaneous Matters**

- 8.1 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 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.
- 8.2 The provisions of this section do not apply to:
- a) an animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinary Association;
  - b) a pet store;
  - c) an Ontario Humane Society Shelter or the Pound which complies with this by-law; and
  - d) a validly licenced dog kennel meeting the requirements of Section 6 of this by-law.
- 8.3 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.

#### **Section 9 – Liable for Damages**

- 9.1 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.

#### **Section 10 - Penalty**

- 10.1 Any Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to pay a fine or penalty for each offence, exclusive of costs, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 10.2 The court in which a conviction has been entered for contravention of this By-law and any other court of competent jurisdiction thereafter, may make an order prohibiting the

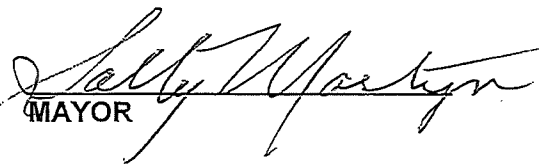
continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

- 10.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Municipal Law Enforcement Officer while exercising any power or performing any duty under this By-law.

#### **Section 11 - Administration**

- 11.1 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male or female gender shall include all gender identities, where applicable.
- 11.2 This By-law shall come into effect and By-law No. 2530 and By-law No. 2659 shall be repealed upon final approval of the Set Fine Schedule by the Ministry of the Attorney General for this by-law.
- 11.3 In the event any section or provision of this By-law is held invalid, the remainder of the By-law shall continue in force.

READ a FIRST, SECOND and THIRD TIME and finally passed this 10<sup>th</sup> day of January, 2022.

  
MAYOR

  
CLERK

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

80 DUNDAS STREET, 10<sup>th</sup> FLOOR, UNIT L  
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE L'OUEST

80, RUE DUNDAS, 10<sup>e</sup> ÉTAGE, UNITÉ L  
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292  
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August 1, 2022

Mr. Stephen Gibson  
County Solicitor, County of Elgin  
450 Sunset Drive  
St. Thomas, Ontario  
N5R 5V1

Dear Mr. Gibson:

**Re: Set Fines - Provincial Offences Act - Part I  
By-law Number 2673, of the County of Elgin**

Enclosed herewith is an original Order, and an original 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.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Offices, which have jurisdiction for the County of Elgin.

Yours truly,

Jeanine E. LeRoy  
Regional Senior Justice  
West Region

encl.  
/dh

**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. 2673 of the County of Elgin, attached hereto are the set fines for those offences. This Order is to take effect August 1, 2022.

Dated at London this 1<sup>st</sup> day of August 2022.

A handwritten signature in black ink, reading "Jeanine LeRoy". The signature is written in a cursive, flowing style.

Jeanine E. LeRoy  
Regional Senior Justice  
West Region

## Part I Provincial Offences Act

THE CORPORATION OF THE  
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2673,

TITLE: DOG CONTROL BY-LAW

| ITEM | COLUMN 1<br>Short Form Wording                                                 | COLUMN 2<br>Provision Creating or Defining<br>Offence | COLUMN 3<br>Set Fine |
|------|--------------------------------------------------------------------------------|-------------------------------------------------------|----------------------|
| 1.   | Allow dog to run at large - Owner                                              | s. 2.1                                                | \$175.00             |
| 2.   | Permit dog to run at large – Owner                                             | s. 2.1                                                | \$175.00             |
| 3.   | Fail to ensure that identification tag or microchip<br>attached to dog – Owner | s. 5.1                                                | \$250.00             |
| 4.   | Fail to apply for and pay annual license fee – Owner<br>dog kennel             | s. 6.1                                                | \$250.00             |
| 5.   | Operate dog kennel contrary to terms and conditions<br>of kennel license       | s. 6.7                                                | \$750.00             |
| 6.   | Operate dog kennel without a valid dog kennel licence                          | s. 6.12                                               | \$750.00             |
| 7.   | Continue to operate dog kennel without a valid dog<br>kennel licence           | s. 6.12                                               | \$750.00             |

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 10.1 of By-Law No. 2673, a certified copy of which by-law has been filed.

## Part I Provincial Offences Act

THE CORPORATION OF THE  
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2530,  
AS AMENDED BY BY-LAW NO.2659

TITLE: DOG CONTROL BY-LAW

| ITEM | COLUMN 1<br>Short Form Wording                                                                         | COLUMN 2<br>Provision Creating or Defining<br>Offence | COLUMN 3<br>Set Fine |
|------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------|
| 8.   | Fail to remove dog excrement                                                                           | s.7.1                                                 | \$175.00             |
| 9.   | Fail to dispose dog excrement                                                                          | s.7.1                                                 | \$175.00             |
| 10.  | Keep more than (3) dogs in premises – Owner                                                            | s.8.1                                                 | \$500.00             |
| 11.  | Keep more than (3) dogs on premises – Occupier                                                         | s.8.1                                                 | \$500.00             |
| 12.  | Owner permit dog to make noise likely to disturb<br>the peace, quiet, comfort or repose of inhabitants | s.8.3                                                 | \$250.00             |

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 10.1 of By-Law No. 2673, a certified copy of which by-law has been filed.