

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 1998 - 57**

Being a by-law to provide for the registration of dogs in the Town of Amherstburg and the collection of a licence fee from the owners thereof, and to fix a date for the securing of dog tags and to prohibit dogs from running at large at certain times and to provide dogs with adequate shelter.

WHEREAS Paragraph 11 (a, b, c, d, e) of Section 210 of the Municipal Act, R.S.O.1990, Chapter 302 provides that by-laws may be passed for licencing and regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them;

AND WHEREAS Paragraph 13 (a, b) of Section 210 of the Municipal Act, R.S.O. 1990, Chapter 302 provides that by-laws may be passed for prohibiting or regulating the running at large of dogs in the Municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by by-law;

AND WHEREAS it is deemed necessary to enact such regulations;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:

(1) In this by-law:

"ADEQUATE SHELTER" shall be defined as a shelter which is so constructed as to provide the dog with complete protection from the elements and shall be securely roofed and floored with material adequate for this purpose and shall be totally enclosed on 3 sides and the 4th side shall have an opening only sufficient in size so as to allow the animal to enter the shelter with ease. This opening shall be protected by a windbreak shield, which shield shall not impede the dog's access to the shelter interior. The shelter shall be raised a minimum of 2" from the ground, in a well drained and dry area. The shelter will be constructed in a size that will relate to the needs of the dog's size for the purpose of body heat retention and a size that will accommodate the dog to sit, stand, turn around and lie down in a fully extended position.

"DOG CONTROL OFFICER" means a person with whom an agreement is entered into by the Council of the Corporation of the Town of Amherstburg to provide dog control services including the enforcement of the provisions of this by-law and the seizure and impoundment of dogs running at large in the Town of Amherstburg and, on request of the owner or occupant of private property, for seizing and impounding dogs trespassing on such private property.

"BY-LAW ENFORCEMENT OFFICER" means any police officer on duty in the Town of Amherstburg or a person appointed by the Council of The Corporation of the Town of Amherstburg to enforce the provisions of this by-law and to seize and impound dogs running at large in the Town of Amherstburg and, on request of the owner or occupant of private property, for seizing and impounding dogs trespassing on such private property.

"DOG" shall mean any dog male or female.

"HUMANE SOCIETY" shall mean the Essex County Humane Society, being a branch of the Ontario Society for the prevention of Cruelty to Animals, incorporated by an Act of the Legislative Assembly of the Province of Ontario 9 Geo. V., Chapter 124 (1919).

"DOG KENNEL" shall mean any building or structure or part thereof used or intended for use for the purpose of breeding and/or raising 3 or more purebred dogs, registered in the Registry of The Canadian Kennel Club Incorporated.

"DOG BREEDER" shall mean any person or persons who breeds a dog or dogs and offers them for sale.

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"OWNER" of a dog shall include any person who possesses or harbours and/or feeds a dog over a period of 72 hours and has not turned the dog over to the dog Control Officer as a stray dog, shall after the 72 hour period be deemed to be the owner of the dog and liable to purchase a dog licence forthwith.

"POUNDKEEPER" shall mean the person appointed under the provisions of this by-law as Poundkeeper.

"TOWN" or "MUNICIPALITY" means the Corporation of the Town of Amherstburg.

- (2) (a) The running at large of dogs within the corporate limits of the Town of Amherstburg is hereby prohibited, and the owner of any dog found running at large within the said corporate limits at any time shall be guilty of a breach of this by-law and liable upon conviction to the penalty provided.

(b) For the purpose of this Section, 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, and further in a residential, recreational, institutional or commercial area as defined in the Town of Amherstburg Comprehensive Zoning By-law, a dog is considered running at large unless it is on a proper leash. An owner's dog shall not run at large, but must be under the owner's, or the owner's agent's supervision and control when the dog is off the owner's property and further when the dog is on the owner's property and is in a residential, recreational, institutional or commercial zone according to the Town of Amherstburg Comprehensive Zoning By-law, the dog must be on a proper leash.

(c) No dog shall trespass on private property within the Town of Amherstburg but shall be securely chained or confined on the premises of its' owner, and if found trespassing on private property, on the request of the owner or occupant of such private property, it shall be seized and brought to the Pound.

(d) When confined to any yard area of the owner's premises the dog shall be confined by means of secure fencing and a locked gate or by means of chain, rope, or other similar restraining material attached to the dog's collar and such chain, rope, or other similar restraining material shall be of a minimum length of 4 times the body length of the dog measured from the tip of its' nose to the base of its' tail. Any dog confined by means of a fenced area, shall be confined in an area of no less than that set out for minimum chain length and adequate width. Any confinement shall at no time deprive the dog from full access to its' shelter, food and water.

- (3) The date for the procuring of dog tags in the Town of Amherstburg is hereby fixed as the 30th day of April in each year.

- (4) (a) Every owner of a dog shall register on or before the 30th day of April in each year, each dog owned, possessed or harboured by him in the Town of Amherstburg with the Treasurer, and at that time pay such Treasurer the licence fee prescribed in Schedule "A" to this by-law and the Treasurer shall issue to such owner a receipt acknowledging registration of the dog and payment of the fee.

(b) Every person paying dog taxes shall be provided with a metal or fibre dog tag for each dog owned by him and shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the following year.

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(c) Every person who becomes the owner of a dog on or after the 30th day of April in each year shall register the same and pay the licence fee therefor provided in the Schedule "A" to this by-law within fifteen days after acquiring or otherwise becoming the owner or in possession or commencing to harbour the same.

(d) Every person possessing or harbouring a dog before the 30th day of April in each year and who has not paid the fee prescribed in Schedule "A" by April 30th of that year shall be liable to pay the licence fee therefore as prescribed in Schedule "B" to this by-law, and the Treasurer shall issue to such owner a receipt acknowledging registration of the dog and payment of the fee.

(e) No person, other than the owner of a Dog Kennel, shall keep upon any lands or premises at any one time more than two (2) dogs but any young born on the premises may be kept on the premises for a period of not more than two (2) months after the birth. If any one person keeps two (2) dogs in or upon the same lands and premises, no other person shall keep in or upon the same lands and premises any dogs at the same time.

(f) Any person owning a Dog Kennel of purebred dogs for which a Kennel Licence has been duly issued or a breeder of dogs who has obtained a dog breeder licence shall not be obligated under this by-law to purchase licences for each individual purebred dog which is the subject of the registration with the Canadian Kennel Club.

(g) A breeder of dogs who has obtained a breeder's permit shall not be obligated under this by-law to purchase licences for each individual dog.

(h) Prior to the issuance of a new Kennel or Breeder's Licence the Dog Control Officer shall inspect the premises of the applicant. Also, the premises of all Kennel or Breeder Licence holders may be inspected from time to time by the Dog Control Officer and a Kennel or Breeder Licence may be refused or revoked by Council on the recommendation of the Dog Control Officer.

(5) (a) It shall be the duty of the person with whom an agreement is entered into by the Council hereinafter referred to as the Dog Control Officer, to capture and impound every dog:

- (1) running at large contrary to the provisions of Section 2 hereof.
- (2) trespassing on private property contrary to the provisions of Section 2 hereof.
- (3) found off the premises on which it is habitually kept without a dog tag contrary to the provisions of any by-law passed by the Council of the Corporation of the Town of Amherstburg.

(b) It shall be the duty of the Poundkeeper to provide suitable quarters as may be required and approved by the Council from time to time in which to keep in humane manner all of the dogs that may be brought to him by the Dog Control Officer for disposal under the provisions hereof and as regulated by the Animals for Research Act, R.S.O. 1990, Chapter A.22. The Poundkeeper shall keep in his office a record of any dog impounded including the date it was delivered to the Dog Pound, a description of the dog, licence number, if it wore a tag, the date of disposition of the same, amounts received by way of redemption fees and sales, the names and addresses of purchasers of dogs and any other particulars the said Clerk may deem advisable.

The Pound shall be opened at the hours designated by the Council from time to time.

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(c) Every dog captured by the Animal Control Officer under the provisions of Subsection (2) hereof and delivered to the Poundkeeper shall by the latter be confined in the said Pound for Seventy-two (72) hours (exclusive of Statutory Holidays and Sundays), and at the end of such period, may, if not redeemed or sold as hereinafter provided, be destroyed by the Poundkeeper in such manner as the Inspector of the Humane Society shall prescribe, and the carcass shall be disposed of to the satisfaction of the Medical Officer of Health for the Municipal Corporation.

(d) The owner of any dog impounded under the provisions of this By-law may redeem the same within seventy-two (72) hours, exclusive of Statutory Holidays and Sundays, after its' delivery to the Poundkeeper by paying into the hands of the said Officer, for the use of the Municipality unless otherwise provided, the sum of \$30.00 plus \$3.00 per day board, and the purchaser shall first obtain a licence for the said dog. If the same is not redeemed by the owner, the Poundkeeper may sell any impounded dog for not less than \$2.00 and the purchaser shall first obtain a licence for the said dog.

(6) The Council shall provide for the appointment of an Dog Control Officer and a Poundkeeper, and shall provide for the terms of such appointment.

(7) Any person who owns a dog is required to provide the animal with adequate Shelter. No dog shall be confined or kept or left outside the owner's residence between the hours of 11:00 p.m. to 7:00 a.m. without adequate shelter nor shall any dog be confined or kept or left outside for any prolonged period of time in inclement weather without such shelter being available to it.

(8) The provisions herein respecting the redemption or sale of an impounded dog shall not apply to a dog that by reason of being suspected of being infected with any communicable disease is confined to the Dog Pound pursuant to The Public Health Act of Ontario or The Animal Contagious Disease Act (Canada).

(9) (a) When the Dog Control Officer or By-law Enforcement Officer can identify an owner whose dog is found running at large, he may issue a ticket to the said owner as an alternative to impounding the dog. Any person issued a ticket under the provisions of this By-law for an alleged contravention may, within seventy-two (72) hours after the issuance thereof, Saturdays, Sundays and Holidays excluded, pay to the Town Treasurer or such other person designated by him to receive such payment, the sum of \$30.00 for any offence. This payment shall be received as the payment of a penalty in full satisfaction with respect to the alleged offence and a receipt therefor shall be given to the person making the payment.

(b) If a voluntary payment is not made under the provisions of Section 9(a) of this part the procedure of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, shall apply and the following penalty at the discretion of the convicting Magistrate shall be established.

(c) If a charge is laid under this Schedule and payment is accepted before the case is called in Court, then payment shall include court costs.

(d) Any person who contravenes any provisions of this by-law or any part thereof other than Section 3 shall, upon conviction, be liable to a penalty for each offence of not more than Five Hundred (\$500.00) Dollars, exclusive of costs, and such penalty plus costs shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

(e) The owner of any licenced dog found running at large as prescribed under Section 2 of this by-law may make voluntary payment out of court of the sums set out below and if payment is not made in accordance with this procedure, the fine shall be as set out in Section 9(a) of this by-law. First offence \$50.00. Subsequent offences \$100.00.

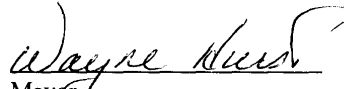
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- (10) Former Town of Amherstburg By-law No. 1455, former Township of Anderdon By-law No. 2116 and former Township of Malden By-law No. 91.40 and all amendments thereto and all other by-laws or parts of by-laws inconsistent with the provisions hereof and respecting the registration of dogs, the collection of licence fees, the securing of dog tags and the running of dogs at large are hereby repealed.

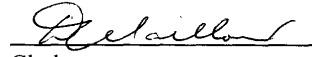
This by-law shall come into force and take effect immediately after the final passing thereof.

By-law read a first, second and third time and finally passed at a meeting of the Municipal

Council of the Town of Amherstburg held this 10 day of August, 1998.



Mayor



Clerk

SCHEDULE "B"

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After the 30th day of April each year rates shall be as follows:

1. (a) For an un-neutered male or unspayed female dog kept by an owner \$50.00 each
- (b) For a neutered male or spayed female dog kept by an owner \$30.00 each
- (c) Kennel or Dog Breeder Licence \$100.00 each