

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2015-123

By-law to amend By-law 2012-104

Being a By-law to Provide for the Regulating and Keeping of Dogs in the Town of Amherstburg

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 as amended grants local municipalities the authority to pass by-laws respecting animals;

WHEREAS the Council of the Corporation of the Town of Amherstburg hereby deems it expedient to amend By-law 2012-104, being a By-law to Provide for the Regulating and Keeping of Dogs in the Town of Amherstburg;


NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. By-law 2012-104 is hereby amended as attached.

Read a first, second and third time and finally passed this 14th day of December, 2015.



MAYOR – Aldo DiCarlo



CLERK – Paula Parker

**BY-LAW NUMBER 2012-104
OF THE CORPORATION OF THE
TOWN OF AMHERSTBURG**

**By-law to provide for the regulation and keeping of dogs
in the Town of Amherstburg**

FINALLY PASSED the 26th day of November, 2012

WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, (hereinafter the "Act") grants local municipalities the authority to pass by-laws within the sphere of jurisdiction of "animals";

AND WHEREAS Section 103 and 105 of the Act provides specifically that a by-law may provide for the impounding of animals;

AND WHEREAS Section 103 and 105 of the Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council could become the cause of public nuisances;

AND WHEREAS Section 425 of the Act authorizes the Town of Amherstburg to pass by-laws providing that a person who contravenes a by-law of the Town of Amherstburg passed under that Act is guilty of an offence;

AND WHEREAS the Province has amended the *Dog Owners' Liability Act* and the *Animals for Research Act*, to restrict, regulate and prohibit pit bull dogs, including the requirement to sterilize, muzzle and leash existing pit bull dogs;

THEREFORE the Municipal Council of the Corporation of the Town of Amherstburg enacts as follows:

**SHORT TITLE
DOG LICENSING BY-LAW**

**Part 1
DEFINITIONS**

1.1 Definitions

In this By-law:

Choke Collar – defined

"Choke Collar", "Choke Chain", or "Prong Collar" shall mean a collar that tightens constricts or pinches a dog when tension is applied and may inflict pain or discomfort on an animal. **(added B/L 2015-123, Nov. 23/2015)**

Clerk - defined

"Clerk" shall mean the Clerk of The Corporation of the Town of Amherstburg, or his or her designate.

Council - defined

"Council" shall mean the Council of The Corporation of the Town of Amherstburg.

Dog - defined

"Dog" shall mean a domesticated male or female dog of any canine species over the age of three (3) months.

Dog Control Officer - defined

"Dog Control Officer" shall mean a person, servant or agent with whom an agreement is entered into by the Council of the Corporation of the Town of Amherstburg to provide dog control services for the seizure and impoundment of dogs running at large in the Town of Amherstburg.

Dog Owner's Liability Act – defined

"Dog Owner's Liability Act" shall mean the *Dog Owner Liability Act*, R.S.O. 1990 c. D. 16, as amended from time to time.

Dog Tag or Tag - defined

"Dog Tag" or "Tag" shall mean a metal tag indicating the year and individual serial number, as issued by the Town.

Dwelling Unit- defined

“Dwelling Unit” shall mean one (1) or more habitable rooms occupied or designed to be occupied by an individual or group of individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or group of individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

Enforcement Officer - defined

“Enforcement Officer” shall mean:

- (a) Municipal Law Enforcement Officer, Community Standards Officer or other law enforcement officer as appointed by Council; or
- (b) Person duly appointed by Council for seizing and impounding dogs running at large in the Town of Amherstburg;
- (c) Police Officer appointed pursuant to *Police Services Act*, R.S.O. 1990, c.P.15; or
- (d) Agent or Inspector pursuant to the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. 036.

Extreme Weather - defined

“Extreme Weather” shall mean a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the Town of Amherstburg, including and not limited to extreme cold or hot weather, snow storms, freezing rain, heaving rainfall, hurricanes, tornadoes, and/or strong winds. **(added B/L 2015-123, Nov. 23/2015)**

Keep – defined

“Keep” shall mean to have temporary or permanent control or possession of any dog, and the words “harbour”, “kept” or “keeping” have a similar meaning.

Leash – defined

“Leash” shall mean chain or other material capable of restraining the dog. A leash shall measure no more than 1.8 metre in length.

Licence - defined

“Licence” shall mean a Dog Tag issued pursuant to this by-law.

“**Motor Vehicle**” includes an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in this by-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle traction engine, farm tractor, self-propelled implement of husbandry or road-building machine and does not include an E-bike. **(added B/L 2015-123, Nov. 23/2015)**

Owner - defined

“Owner” shall mean any person who keeps, possesses, harbours and/or feeds a dog, and where the owner is a minor, the person responsible for the custody of the minor, and has not turned the dog over to the Town as a stray dog, shall be deemed to be the owner of the dog.

Person with Disability - defined

“Persons with Disabilities” shall mean those individuals who are afflicted with a disability as defined under the Ontario Human Rights Code. **(amended B/L 2015-123, Nov. 23/2015)**

Personal Assistance Dog

“Personal Assistance Dog” shall mean a dog certified by the Canadian National Institute of the Blind, or Hearing Dogs of Canada, or a dog trained as a helper for a physically challenged person, or a dog that is regularly used as a therapy dog in institutional settings (written confirmation required).

Pit Bull – defined

“Pit Bull” shall have the same meaning for the purpose of this By-law as it had for the purposes of the Dog Owners’ Liability Act;

Pound – defined

“Pound” shall mean the premises that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this by-law or the Dog Owner’s Liability Act.

Pound keeper - defined

“Pound keeper” shall mean the person, society or association who has entered into an agreement with the Town of Amherstburg to maintain and administer the pound.

Premises – defined

“Premises” shall include the entire lot on which a building is situated.

Prohibited pit bull – defined

“Prohibited pit bull” shall have the same meaning for the purposes of this by-law as it has for the purposes of the Dog Owner’s Liability Act.

Public Places - defined

“Public Place” shall mean any place to which the public have access as of right or by invitation, express or implied, and includes, but is not limited to, a highway, public park and other municipal, federal or provincial property.

Residential Area

“Residential Area” for the purpose of this by-law shall be consistent with the Residential Zones as designated in the Town of Amherstburg Zoning By-law 1999-52, as amended

Restricted pit bull- defined

“Restricted” shall have the same meaning for the purpose of this By-law as it has for the purposes of the Dog Owners’ Liability Act;

“**Roadway**” shall mean the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not all of the roadways collectively. **(added B/L 2015-123, Nov. 23/2015)**

Running at Large - defined

“Running at Large” shall mean a dog found in any place other than the premises of the owner of the dog and not under the physical control of any person by means of a leash held by the said person.

Senior Resident – defined

“Senior Resident” shall mean those residents of the Town of Amherstburg who are 55 years of age and older (proof of age may be required).

Tethered - defined

“Tethered” for the purposes of this By-law, means the fastening of a rope, chain, cord or similar restraining device to a dog’s collar or halter so that the animal can only range in an area limited to the length of such rope, chain, cord or similar restraining device. **(added B/L 2015-123, Nov. 23/2015)**

Town – defined

“Town” shall mean the Corporation of the Town of Amherstburg.

Part 2 EXEMPTIONS

2.1 Animal hospital – clinic – kennel – registered– not applicable

This by-law shall not apply to an animal hospital, a clinic or kennel lawfully operated and supervised by a veterinarian for the exclusive purpose of treating sick or injured animals, who holds a licence to engage in the practice of veterinary medicine issued under the *Veterinarians Act*, R.S.O. 1990, c.V. 3.

2.2 The Windsor/Essex County Humane Society– not applicable

This by-law shall not apply to The Windsor/Essex County Humane Society.

2.3 Public Pound – not applicable

This by-law shall not apply to a public pound.

2.4 Research facility – not applicable

This by-law shall not apply to Research facility-dogs maintained at a research facility registered under the *Animals for Research Act*, R.S.O. 1990, c.A.22.

2.5 Pet Shop– not applicable

This by-law shall not apply to pet shops.

2.6 Zoos – fairs – exhibition – dog show - circus– not applicable

This by-law shall not apply to dogs maintained in a zoo, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority.

2.7 Service Dogs – not applicable

This by-law shall not apply to service dogs, police service dogs or other specially trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial or municipal agency.

**Part 3
PROHIBITED MATTERS**

3.1 Keeping – more than 3 dogs – prohibited

No person shall keep or permit to be kept more than three (3) dogs in any one dwelling unit or on any premises in a residential area unless they hold a valid kennel licence issued by the Town of Amherstburg.

3.2 Running at large - prohibited

No person shall, within the Town fail to prohibit a dog from running at large.

3.3 Unregistered – unlicensed - prohibited

No person shall, within the Town fail to register a dog for a dog licence.

3.4 Licence – failure to have current - prohibited

No person, who is an owner of a dog shall within the Town, fail to have a current valid licence for that dog.

3.5 Tag – removal – unlawful - prohibited

No person shall, within the Town, unlawfully remove a dog tag from a licensed dog.

3.6 Tag – lost – failure to replace - prohibited

No person shall, within the Town, fail to apply for a replacement tag.

3.7 Tag – not securely affixed to dog - prohibited

No person shall, within the Town, fail to affix the tag issued for a dog securely on the dog.

3.8 Tag – affix tag - other than dog issued - prohibited

No person shall affix a dog tag upon a dog other than the dog for which the dog tag was issued.

3.9 False information - prohibited

No person shall give false information when applying for a licence pursuant to this by-law.

3.10 Private property – entry – without consent - prohibited

No person shall, within the Town, permit a dog to enter onto private property without the consent of the property owner.

3.11 Excrement – failure to remove – dispose - prohibited

No person shall, within the Town, fail to forthwith remove and dispose of dog excrement from any property within the Town.

3.12 Excrement -

Notwithstanding sections 3.11 of this by-law, persons with disabilities are exempt from this provision.

3.13 Forcible retrieval of dog - prohibited

No person shall, within the Town, forcibly retrieve a dog from an enforcement officer or a vehicle under the enforcement officer's control.

3.14 Leash – over 1.8 metres – prohibited

No person shall, within the Town, have a dog under control on a leash exceeding 1.8 metre in length.

3.15 Ownership/Address Change – failure to notify – prohibited

No person shall, within the Town, fail to notify the clerk forthwith upon any change in information previously provided to the Town when licensing the dog.

3.16 Responsibility- actions of dog – prohibited behaviour

No person shall permit his or her dog:

- a) to bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running; or
- b) to fight, bite, attack, threaten or kill or injure any domestic animal; or

3.17 Responsibility – public actions

No person shall tease, torment, annoy or abuse any dog; or untie, loosen or otherwise free any dog which is not in distress unless such person has the authorization of the owner or the lawful authority to do so.

3.18 Tethered – Restrictions

No person shall keep a dog tethered on a rope, chain, cord or similar restraining device unless:

- a) the tether is a minimum of three metres in length and not permit the dog to go beyond the limit of the dog owner's property;
- b) the dog has unrestricted movement within the range of the tether;
- c) the dog is not tethered for longer than 10 hours in a 24 hour period;
- d) the dog has access to water, shade and shelter while tethered; and the dog cannot injure itself as a result of the tethering **(added B/L 2015-123, Nov. 23/2015)**

3.19 Tethered – Choke Collar, Choke Chain, Prong Collar

Notwithstanding Section 3.18, no person shall keep a dog tethered where a Choke Collar, a Choke Chain or a Prong Collar forms part of the tether or a rope, chain, cord or similar restraining device is tied directly around a dog's neck. **(added B/L 2015-123, Nov. 23/2015)**

3.20 Transporting Dog-Restrictions

No person shall transport a dog outside of the passenger cab of a motor vehicle on a road way. **(added B/L 2015-123, Nov. 23/2015)**

3.21 Transporting Dog

Notwithstanding Section 3.20, a person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pick-up truck or flatbed truck if the dog is:

- a) in a fully enclosed trailer;
- b) in a topper enclosing the bed area of a truck;
- c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or

- d) 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. **(added B/L 2015-123, Nov. 23/2015)**

3.22 Vehicle – Prohibited

No person shall leave a dog unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal.

For the purpose of Section 3.22 an Enforcement Officer who has reasonable grounds to believe that a dog left unattended in a motor vehicle is in imminent physical danger may take steps to remove the dog from the vehicle and shall not be held liable for any damage to the vehicle by so doing. **(added B/L 2015-123, Nov. 23/2015)**

3.23 Extreme Weather – Prohibition

No person shall allow a dog to remain outdoors during Extreme Weather unless the dog has access to shelter that will adequately protect the dog from the conditions. **(added B/L 2015-123, Nov. 23/2015)**

Part 4 KEEPING OF DOGS

4.1 Maximum – 3 per dwelling unit

No person shall keep or permit to be kept more than three (3) dogs in any one dwelling unit or on any premises in a residential area unless they hold a valid kennel licence issued by the Town of Amherstburg

4.2 Puppies – number – not limited – 90 days following birth

Notwithstanding sections 4.1 of this by-law, puppies may be kept with the mother for a period not exceeding 90 days following birth.

4.3 Kennels – registered – number of dogs - not limited

Sections 4.1 of this by-law shall not apply to any person who holds a valid kennel licence as issued by the Town.

4.4 Leash – required – land other than owners – exception

Every owner of a dog shall keep the dog leashed and under control of some person when the dog is on the land in the Town other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

4.5 Leash – required- exception – leash free park

Notwithstanding any other provision of this by-law, in the event that the Town establishes a leash free park within the Town, an owner shall not be required to keep a dog on a leash while in such park, but must be present in such park with the dog and be able to control the dog as necessary.

4.6 Leash – maximum length - 1.8 metres

No leash referred to in section 4.4 of this by-law shall exceed 1.8 metres in length. **(amended B/L 2015-123, Nov. 23/2015)**

4.7 Excrement – removal – disposal – immediate

Every owner of a dog shall remove forthwith and dispose excrement left by such dog on any private or public property in the Town, and dispose of any such excrement in a timely manner and in way that does not disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.

4.8 Running at large – prohibited

No owner of a dog shall permit the dog to run at large or fail to prohibit the dog from running at large. **(amended B/L 2015-123, Nov. 23/2015)**

Part 5 LICENSING

5.1 Licence – required – prior to May 1st

Every owner of a dog shall register and obtain from the Town, or its agent, a licence for each dog that he or she owns prior to May 1st of each year.

5.2 Application – forthwith – upon ownership - new resident

Every person upon becoming an owner and every new resident that is an owner shall within thirty (30) days register and obtain a licence from the Town or its agents a licence for each dog that he or she owns.

5.3 Newborn dog- licence - 3 months

No owner of a newborn dog born to a dog of the owner shall be required to obtain a licence for the said newborn until the newborn dog has attained the age of 3 months, after which time the owner shall be required to licence and register the said newborn dog within 15 days of that dog attaining the age of 3 months.

5.4 Application – licence – information

Every application for a licence shall be accompanied by the following:

- a) A completed application on the form provided by the Town;
- b) Proof of spaying or neutering of dog, as applicable.
- c) The applicable licence fee as set out in schedule “A” to this by-law;
- d) Any additional documents as the Town sees fit, such as proof of vaccinations, proof of breed, and any costs incurred in obtaining such documents shall be at the applicant’s expense.

5.5 Certificate of Anti-Rabies Vaccination

Upon application for a licence, the owner of the dog may be required to produce a certificate signed by a practicing veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months prior to the date of application for a licence.

5.6 Personal Assistance Dog – Exempt from fees

An owner of a personal assistance dog shall be required to obtain a licence in accordance with this by-law but will be exempt from the licence fee.

5.7 Application – licence – information – Pit bull dog

Upon application for a licence, the owner of a pit bull dog may be required to provide proof, satisfactory to the Town that the pit bull dog:

- a) Is classified as a restricted or grandfathered pit bull in accordance with the Dog Owners’ Liability Act; and
- b) Has been sterilized, or provide a veterinarian’s written opinion that the pit bull dog is physically unfit to be sterilized, in accordance with the Dog Owners’ Liability Act;
- c) Has been vaccinated against rabies.

5.8 Application - licence – information – dog deemed dangerous

In addition to the requirements set out in section 5 of this by-law, every owner with a dog that has been deemed a dangerous dog under Town of Amherstburg By-law 2009-57, shall identify and register the dog as deemed a dangerous dog with the Town verifying the dog’s status as to their designation and shall provide proof of a current and up to date rabies vaccination.

5.9 Expiry – annual – April 30th

Every licence issued by the Town shall expire annually on the 30th day of April in the year in respect to which it was issued.

5.10 Renewal – annual – prior May 1st

Prior to May 1st of each year, every person who is the owner of a dog shall register and obtain from the Town or its agents a licence for each dog that he or she owns.

5.11 Tag - Late fee

Where a licence is not purchased by May 1st of each year, a late fee shall be applied as prescribed in schedule "A" attached to this by-law.

5.12 Dog tag – affix – collar

The tag shall be affixed securely on the dog's collar or restraining device at all times.

5.13 Transfer of licence - conditions

Every licence issued by the clerk may be transferred after such application and payment of the applicable fee upon the following occurrences:

- a) Transfer in ownership of a dog during any licensing year;
- b) Replacement of dog upon death of a licensed dog;
- c) Transfer of current year valid dog licence from any municipality resided in before moving to the Town.

5.14 Tag – New dog owner - late fee

Where a licence is not purchased within thirty (30) days of acquiring a dog, a late payment penalty shall be applied as prescribed in schedule "A" attached to this by-law.

5.15 Tag – replacement where lost

Where a tag has been lost, an application shall be made to the clerk for a replacement dog tag together with the applicable fee as prescribed in schedule "A" attached to this by-law.

5.16 Tag – replacement – proof of payment – plus fee

The application for a replacement dog tag shall be accompanied by proof that the current year's licence fee has been paid and the applicable replacement tag fee.

5.17 Licence Fee- Rebate – not permitted

No person shall be entitled to a licence rebate under this by-law.

5.18 Proof of Licensing – Dog Owner

The onus of proving a person has a valid dog tag licence is on the person alleging the licence.

Part 6 RESTRICTED PIT BULL DOGS

6.1 Pit bull dog – restricted or grandfathered

No person shall own a pit bull dog that is not deemed to be a restricted or grandfathered pit bull dog, in accordance with the Dog Owners' Liability Act.

6.2 Provisions – comply – Dog Owners Liability Act.

The owner of a restricted or grandfathered pit bull dog shall comply with the provisions as set out within the Dog Owners Liability Act.

6.3 Non –compliance - seizure of dog

A pit bull that is not recognized by the Town as a restricted or grandfathered pit bull, or a restricted pit bull that is not in compliance with the provisions set out in the Dog Owners' Liability Act shall be subject to seizure by the enforcement officer.

6.4 Onus of proof - owner

The onus of proof that a dog is not a pit bull, or that the dog is a restricted or grandfathered pit bull dog, lies with the owner of the dog. Proof deemed to be acceptable may include: certified registration papers, veterinary medical records, from a veterinarian who are a registered member of the College of Veterinarians of Ontario, or a signed statement by a veterinarian.

**Part 7
DOGS IN PARKS/SPORTS FIELDS**

7.1 Dog off leash in parks /sports fields – not permitted

No owner shall permit a dog to be off leash on any parkland or sports field owned by the Town or any part thereof, unless such park or sports field, or part thereof, is designated by signage that dogs may be kept off-leash, and providing that the person in control of such dog shall keep such dog in sight and under voice control at all times, and shall promptly leash such dog when any confrontation with any person or any other animal develops or may develop.

**Part 8
FEES**

8.1 Fees – set out – Schedule “A”

Licence fees shall be set and approved by Council from time to time and are listed in Schedule “A” to this by-law.

8.2 Personal Assistance Dogs - exempted

Notwithstanding any requirements contained herein, personal assistance dogs shall be required to be licensed but the owner is exempt from the payment of all licence fees pursuant to this by-law. **(amended B/L 2015-123, Nov. 23/2015)**

8.3 Pound Fees – payment – proof of ownership - required

Where a dog is claimed from the pound keeper, the owner shall provide proof of ownership of the dog, as well as proof of a current dog licence issued by the Town.

**Part 9
IMPOUNDMENT**

9.1 Seizure - dog - running at large

The dog control officer and enforcement officer shall, and any police officer may, seize any dog found running at large as defined in this by-law.

9.2 Seizure - delivery - to Dog Control Officer or Enforcement Officer

Every dog seized by a police officer shall forthwith be delivered to the dog control officer or to an enforcement officer. **(amended B/L 2015-123, Nov. 23/2015)**

9.3 Seizure - impounding

The dog control officer may impound or cause to be impounded any dog seized by him or her delivered to him or her by a police officer or enforcement officer.

9.4 Capture - any dog - running at large

- a) Subject to subsection 9.4(b), the dog control officer may capture all dogs running at large contrary to this by-law and where such dog is identified with a current and valid dog tag as issued under this by-law, such dog shall be provided with a "free ride home";
- b) Where such dog is not identified with a valid and current dog tag as issued under this by-law, such dog shall be impounded in a facility designated as the Town's pound, under the control of the Town's pound keeper;
- c) Where the dog control officer captures a prohibited pit bull dog as defined in the Dog Owners' Liability Act, the dog control officer shall advise the enforcement officer forthwith.

9.5 Entry - upon land – enforcement officer

An enforcement officer or person designated by Council shall be permitted to enter onto land at any time for the purpose of enforcing this by-law and any orders or conditions imposed under the authority of this by-law.

9.6 Entry - upon land – dog control officer

A dog control officer shall be permitted to enter onto land at any time for the purpose of seizing a dog running at large.

9.7 Entry – upon land – proper identification

A person exercising a power of entry on behalf of the Town under this by-law must, upon request, display or produce proper identification.

9.8 Claim - within 72 hours - release

The owner or keeper of an animal impounded for running at large shall be entitled to redeem such animal within 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying any fines and expenses according to law.

9.9 Owner - to claim dog - before disposal

The owner of a dog that has been impounded shall, upon application to the pound keeper, claim the dog before the pound keeper is entitled to dispose of the dog according to the provisions of section 9.10 of this by-law.

9.10 Disposal - dog - not claimed - Pound keeper - discretion

Where a dog that is impounded is not claimed by the owner within the redemption period specified under section 9.8 of this by-law, the pound keeper may retain the dog for such further time as he may consider proper and during that time the pound keeper may:

- a) sell the dog for such price as he may consider proper;
- b) euthanize the dog;
- c) dispose of the dog as he sees fit.

9.11 Euthanasia - for humane - safety reasons

Where a dog that is captured or taken into custody is injured or in the opinion of the pound keeper, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the trained person appointed by the pound keeper, may euthanize the dog in a humane manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.

9.12 Euthanasia - dangerous dog - running at large

In the opinion of an dog control officer or enforcement officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the dog control officer, enforcement officer or other trained person appointed by the clerk, may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

9.13 Compensation - to dog owner - prohibited

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanizing or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:

- a) recovered by any owner or other person; or
- b) paid by the Pound keeper or the Town of Amherstburg.

**Part 10
ENFORCEMENT**

10.1 Fine - for contravention

Every person who contravenes any section of the by-law is, upon conviction, guilty of an offence and shall be liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and may be punishable as such.

10.2 Continuation - repetition

In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount of not less than that established by this by-law for each such day.

10.3 Conflict

If there is a conflict between a provision of the Dog Owners' Liability Act or of a regulation under that Act, or any other Act relating to pit bulls, or another by-law relating to pit bulls, and a provision of this by-law relating to pit bulls, the provision that is the most restrictive in relation to controls or bans on pit bulls prevail.

Part 11 SEVERABILITY

11.1 Any part – declared invalid – rest in full force

Where a court of competent jurisdiction declares any section, schedules or part of a section or schedule of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

11.2 Any variance – more restrictive – shall apply

When any requirement of this by-law is at variance with any other by-law in effect in the Town or with any applicable provincial or federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in such legislation.

Part 12 REPEAL - ENACTMENT

12.1 By-law - previous

By-law 1998-57, 2002-15 and any amendments are hereby repealed.

12.2 Licence - previous - valid - until expiry

A licence issued under the provisions of by-law 1998-57 shall be deemed to have been issued under this by-law and will be valid until it is replaced or expires.

12.3 Force and Effect

This by-law shall come into full force and effect upon the final passing thereof.

Read a first, second and third time and finally passed this 26th day of November, 2012.

MAYOR – Wayne Hurst

CLERK – Brenda M. Percy

Last Update: By-Law 2015-123 passed November 23, 2015

**SCHEDULE "A" TO BY-LAW 2012-104
FEES AND PENALTIES**

Category	Fee
Any unaltered dog over 3 months old	\$ 25.00 Senior Resident Fee \$ 20.00
Any altered dog over 3 months old	\$ 15.00 Senior Resident Fee \$ 10.00
Transfer of tag	\$ 10.00
Replacement tag for lost tag	\$ 10.00
Any dog owned and used as a personal assistance dog	No fee
Late Penalty Fee: -Licence Renewals received after April 30th in the year they are due are subject to a \$10.00 late penalty. -or those persons upon becoming an owner and every new resident that is an owner who have not within thirty (30) days registered and obtained a licence from the Town or its agents a licence for each dog that he or she owns	\$ 10.00 \$ 10.00

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

80 DUNDAS STREET, 10th 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^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
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February 1, 2016

Ms. Nicole Rubli
Manager, Licensing & Enforcement
271 Sandwich St. South
Amherstburg, Ontario
N9V 2A5

Dear Ms. Rubli:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2012-104, as Amended, of the Town of Amherstburg**

Enclosed herewith is the Order, and the 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 copies of the Order and the schedule of set fines to the Provincial Offences Court in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "S. Fuerth".

Stephen J. Fuerth
Regional Senior Justice
West Region

Enclosures
/cb

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. 2012-104, as amended, of the Town of Amherstburg, attached hereto are the set fines for those offences. This Order is to take effect February 1, 2016.

Dated at London this 1st day of February 2016.



Stephen J. Fuerth
Regional Senior Justice
West Region

The Corporation of the Town of Amherstburg
By-law No. 2012-104, as amended; Dog Licensing By-law
Part I Provincial Offences Act
Set Fine Schedule

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINES
1.	Keep more than 3 dogs	3.1	\$100.00
2.	Permit dog to run at large	3.2	\$200.00
3.	Fail to have current valid licence	3.4	\$100.00
4.	Remove dog tag from licensed dog	3.5	\$50.00
5.	Fail to apply for replacement tag	3.6	\$50.00
6.	Tag not affixed to dog	3.7	\$55.00
7.	Affix tag on dog other than dog for which tag was issued	3.8	\$55.00
8.	Provide false information	3.9	\$250.00
9.	Permit dog to enter onto private property without consent of the owner	3.10	\$200.00
10.	Fail to remove dog excrement forthwith	3.11	\$200.00
11.	Fail to notify of change of information forthwith	3.15	\$100.00
12.	Permit dog to bite, attack, threaten, harass, chase, kill or injure person	3.16 (a)	\$500.00
13.	Permit dog to fight, bite, attack, threaten or kill any domestic animal	3.16 (b)	\$500.00
14.	Tease torment, annoy or abuse any dog	3.17	\$500.00
15.	Tether dog on a tether less than 3 metres in length	3.18 (a)	\$200.00
16.	Permit the dog to go beyond the limit of the dog owner's property	3.18 (a)	\$200.00
17.	Tether dog restricting movement within the range of the tether	3.18 (b)	\$200.00
18.	Dog tethered for more than 10 hours in a 24 hour period	3.18 (c)	\$200.00
19.	Dog tethered without access to water, shade and shelter	3.18 (d)	\$200.00
20.	Choke collar, choke chain or prong collar forms part of the tether	3.19	\$200.00
21.	Rope, chain, cord or similar restraining device tied directly to dog's neck	3.19	\$200.00
22.	Transport dog outside the passenger cab of motor vehicle on roadway	3.20	\$200.00
23.	Leave dog unattended in a motor vehicle when weather conditions not suitable	3.22	\$200.00
24.	Allow dog to remain outdoors during extreme weather with no access to adequate shelter	3.23	\$200.00

Note: Penalty provision for the offences indicated above is Section 10.1 of By-law 2012-104, as amended, a certified copy of which has been filed.