

## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### BY-LAW NO. 2022-008

A By-law to regulate the Keeping of Animals and the Care and Control of Animals within the Town of Amherstburg

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**WHEREAS** the Municipal Act, the Dog Owners' Liability Act, the Pounds Act, the Animals for Research Act, the Environmental Protection Act, and the Protection of Livestock and Poultry from Dogs Act contain provisions enabling municipalities to regulate and identify animals;

**AND WHEREAS** Sections 8, 9 and 10 of the Municipal Act, 2001 authorize the Town of Amherstburg to pass bylaws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property;

**AND WHEREAS** Sections 8, 11(2) and 11(3) of the Municipal Act, 2001, confer the powers for a municipality to pass By-laws to regulate, prohibit and require persons to do things respecting animals and in relation to the health, safety and well-being of persons, the social well-being of the municipality and the protection of persons;

**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 391 of the Municipal Act, 2001, enables a municipality to pass By-laws imposing fees or charges on persons;

**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** section 426 of the Municipal Act, 2001, S.O.2001 c.25 as amended, states no person shall hinder or obstruct, or attempt to hinder or obstruct, any person how is exercising a power or performing a duty under this act or under a by-law passed under this act 2006, c. 32, Sched A, s. 184

**AND WHEREAS** Section 436 of the Municipal Act provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law; and,

**AND WHEREAS** Section 444 of the Municipal Act provides that a municipality may make an order requiring a Person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

**AND WHEREAS** Section 445 of the Municipal Act provides that a municipality may make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

**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;

**AND WHEREAS** PART XIV of the Municipal Act, 2001, authorizes a municipality to enforce its By-laws;

**AND WHEREAS** the Council of The Corporation of the Town of Amherstburg considers it necessary and desirable to provide for the care and control of animals within the Town of Amherstburg;

**NOW THEREFORE** the Council of The Corporation of the Town of Amherstburg ENACTS AS FOLLOWS:

### **Short Title**

This By-law shall be known as the “**Animal Care and Control By-law**”.

### **Part 1 – DEFINITIONS**

1.1 In this By-law:

“**Abandon**” means the surrender, relinquishment or cessation of control of an animal by an individual who previously had control of the animal with the intention of not reclaiming control of the animal and shall be deemed to have occurred where an animal is located on lands and premises not owned or leased by that individual;

“**Animal**” means any member of the animal kingdom, other than a human;

“**Animal product**” means meat, fibre, fur, milk, eggs, or other products derived from an animal;

“**Animal Shelter**” means a facility operated by the Town for the care, keeping and impounding of animals and may include any Town Staff thereof where the context permits;

“**At large**” means where an animal is in any place other than its owner’s lot and is not physically restrained by a capable person by means of a leash or otherwise;

“**Attack**” means an aggressive and violent action against a person, an assault resulting in bleeding, bone breakage, sprains, serious bruising, multiple injuries, serious injury or death

“**Bite**” - means piercing or puncturing of the skin as a result of contact with a dog’s tooth or teeth;

“**Cat**” means any felidae which is commonly domesticated including those which are or appear to have become feral;

“**Control**” means the act of preventing an Animal from creating a hazard to any person or domestic Animal or damage to property;

“**Corporation**” means The Corporation of the Town of Amherstburg;

“**Dangerous dog**” means any dog that, in the absence of a mitigating factor, has demonstrated the propensity to act in a significantly menacing or aggressive fashion or displayed an apparent attitude of attack towards any person or an owner’s animal or has bitten, attacked or caused injury to any person or an owner’s animal;

“**Designate**” means an employee of the Town who has been selected by the Director to administer or enforce all or part of this By-law on their behalf;

“**Director**” means the Manager, Licensing and Enforcement for the Town, a designate or, in the event of any organizational changes, a successor or equivalent position;

“**Dispose**” means the act by a person of throwing away or getting rid of an animal or animals on lands and premises not owned or leased by that person and shall be deemed to have occurred where an animal is thrown, placed, deposited, ejected from a motor vehicle or caused to be thrown, placed, deposited, ejected from a motor vehicle;

**“Distress”** means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain, suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect;

**“Dog”** means a domesticated canine animal, male or female, two months of age and older;

**“Doghouse”** means an exterior building or structure that is used, or designed to be used, to provide shelter to one or more dogs;

**“Dog run”** means a pen that is exclusively used, or designed to be used, to provide one or more dogs access to an outside area while remaining within;

**“Dog Owners’ Liability Act”** – means the Dog Owners’ Liability Act, R.S.O. 1990, c. D. 16, as amended;

**“Domestic fowl”** means and includes chickens, geese, ducks, turkeys, and other such poultry and the young of any of them, and includes game birds where the game birds are kept pursuant to a licence under the Game and Fish Act, R.S.O. 1980, c. 182, as amended, or the Migratory Bird Convention Act, R.S.C. 1970, c. M-12, as amended;

**“Dwelling Unit”** -. means a room or suite of two or more rooms designated or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons and having a private entrance from outside or from a common hallway or stairway inside and which is located in a residentially zoned part of the Town;

**“Enclosure”** shall mean a building or structure that:

- (a) is properly ventilated;
- (b) in the opinion of the local medical officer of health, does not house animals in such a manner or in such number as to be injurious or dangerous to health;
- (c) is maintained in such a manner as to prevent odours arising from it;
- (d) may be readily sanitized and is kept in a clean condition;
- (e) in the opinion of the local medical officer of health, does not house animals in such a manner or in such number as to be injurious or dangerous to health;
- (f) is at least forty (40) feet from any school, church, dwelling or other premises used for human habitation or occupancy other than premises occupied exclusively by the animal keeper or members of the keeper's immediate family or in accordance with Zoning By-law 1999-52 as amended.
- (g) is screened as far as practicable, from adjacent premises and streets by hedges, shrubs, or other suitable screening;

**“Enforcement Officer”** shall mean:

- (a) Municipal Law Enforcement Officer, By-Law Enforcement Officer, Police 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 the 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.

**“Exotic animal”** means an animal not indigenous to Canada and not commonly kept as a household pet in Canada, whether or not such animal is a "wild animal" as defined herein;

**“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.

**“Feed” or “feeding”** means to intentionally furnish or make food available;

**“Guardian”** means any person who owns, keeps, possesses or harbours a dog or dogs and “own”, “owns” or “owned” have a corresponding meaning, and where the guardian is a minor means the parent, guardian or person having custody of the minor;

**“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by the general public for the passage of vehicles;

**“Keep”** - means to have temporary or permanent control or possession of an animal, and keeping has the same meaning;

**“Leash”** means a rope chain or other restraining device for a dog that may not exceed 1.8 metres;

**“Leash free park”** means a park, designated pursuant to this By-law, in which dogs are permitted to run freely;

**“Licence Plate”** means the numbered plate issued by the Ministry of Transportation or other regulatory authority if the vehicle is registered outside of the Province of Ontario, and required to be affixed to and displayed by the Motor Vehicle;

**“Lot”** means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision, other than a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a By-law passed pursuant to Section 51 of the Planning Act, 1990 as amended from time to time, or any successors thereto, and does not include a water lot as defined herein

**“Lot line”** means any boundary of a lot or the vertical projection thereof.

**“Manager”** - means the Manager of Licensing and Enforcement for the Town, or his or her designate;

**“Microchip”** means a standard identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of an owner of the animal;

**“Mitigating factor”** shall mean circumstances which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:

- (a) the dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or domestic animal;
- (b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner;
- (c) the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.

**“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;

**“Motor Vehicle Owner”** means the person registered as the owner of a motor vehicle with the Ontario Ministry of Transportation or any other regulatory authority if the vehicle is registered outside the Province of the Ontario, and shall also mean and include the owner of the Licence Plate affixed to and displayed by the Motor Vehicle;

**“Multi-Residential Property”** means a Property used for or permitted to be used for multiple dwelling units and, includes hotels and motels;

**“Municipal Act, 2001”** means the Municipal Act, 2001, S.O. 2001, c. 25, as amended;

**“Municipal boundary”** means the geographic boundary encompassing the Town of Amherstburg;

**“Municipal Pound”** means a pound maintained on behalf of the Town;

**“Muzzle”** means a humane fastening or covering device that is of sufficient strength and design to prevent any dog wearing it over its mouth from biting and which shall not be able to be removed by the dog but which does not interfere with the breathing, panting or vision of the dog;

**“Normal Farm Practice”** means a practice that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances;

**“Owner”** means any person who keeps, possesses, harbours or has custody, guardianship or control of an animal and, where the owner is a minor, any person responsible for the custody of the minor shall be deemed to be the owner of the animal;

**“Person”** means an individual, association, firm, partnership, corporation, trust, incorporated company, organization and includes the directors and officers of a corporation, a corporation created under the Condominium Act, 1998, S.O. 1998, c. 19, as amended, and the trustees, agents, heirs, executors or other legal representatives of a person to whom the context can apply according to law;

**“Police dog”** means a dog trained for and actively engaged in law enforcement activities on behalf of a police force;

**“Pound”** means premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of the municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs so impounded;

**“Premises”** means any land, building, structure, place or part thereof and, in a multiple occupancy premises, each single occupancy shall be considered separate premises;

**“Protective care”** means the temporary keeping of an animal by the Animal Shelter for the purposes of protecting its health and safety;

**“Public authority”** means any department or appointed agency of the Government of Canada, Province of Ontario, County of Essex, the Town, conservation authority or other governmental body;

**“Recognized pigeon club”** means a club, association or organization which, at the discretion of the Town, has as its main purpose the exhibition or racing of pigeons;

**“Research Facility”** means premises on which animals are used in research and includes premises used for collecting, assembling or maintaining of animals in connection with a research facility, and registered under the Animals for Research Act, R.S.O. 1980, c. 22;

**“Senior rate”** - means a person who is fifty-five (55) years or older and is a resident of the Town of Amherstburg;

**“Service dog”** means a dog trained by a recognized organization to provide service to the visually-impaired, hearing-impaired or to persons with other disabilities;

**"Tether"** means a rope, chain or any restraining device attached to an inanimate object that prevents an animal from moving away from a localized area, the words "Tethered" and "Tethering" have a corresponding meaning;

**"Town"** means The Corporation of the Town of Amherstburg;

**"Town designate"** means an individual that is an employee of the Town who has been appointed pursuant to a Town By-law as a Municipal By-law Enforcement Officer and shall include the Director;

**"Trap, Neuter and Return program"** means any operation where feral cats are trapped in order to be sterilized and then returned to the outdoors;

**"Unsafe weather"** means weather conditions including but not limited to extreme heat and cold, snow storms, freezing or heavy rain and strong winds;

**"Valid Rabies Certificate"** - means a rabies certificate issued by a licensed veterinarian certifying the dog has been immunized and verifying that it will be current on the date of application for a licence or renewal licence;

**"Wild animal"** means any animals which are not domesticated and which live outside in their natural habitat;

**"Yard"** means an open, uncovered space on a lot, appurtenant to a building and unoccupied by buildings except as specifically permitted under the Zoning By-law;

**"Yard, front"** means a yard extending across the full width of the lot between the front lot line and the nearest front wall of the main building located on the lot;

**"Yard, rear"** means a yard extending across the full width of the lot between the rear lot line and the nearest rear wall of the main building located on the lot;

**"Zone"** or **"zoned"** means a designated area of land use in accordance with the Zoning By-law; "Zoning By-law" means the Town of Amherstburg Zoning By-law, as amended.

## **Part 2 - EXEMPTIONS**

This by-law shall not apply to;

- 2.1 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, or a shelter lawfully operated by the Ontario Society for the Prevention of Cruelty to Animals OSPCA
- 2.3 Municipal Dog Pound
- 2.4 Research facility registered under the Animals for Research Act, R.S.O. 1990
- 2.5 Pet Shops
- 2.6 Zoos, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority
- 2.7 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
- 2.8 Any person licensed or exempted as an operator of an animal supply facility in accordance with the Animals For Research Act, as amended, or the employees of such facility, during the course of their duties

- 2.9 Any person who operates an elementary school, secondary school, college, university or provincial institution that contains a research facility exempted from registration under the Animals for Research Act, as amended;

### **Part 3 – GENERAL STANDARDS OF CARE**

- 3.1 Every owner of an animal shall ensure that such animal is kept in a humane manner free of abuse and neglect and is provided with the necessities and conditions to maintain and protect the animal's well-being including but not limited to the following:
- (1) adequate food and water;
  - (2) an environment which is maintained in a sanitary condition and not overcrowded by other animals;
  - (3) appropriate enclosure for the animal which provides adequate space to move and protection from exposure to the elements such as unsafe weather; and
  - (4) if required, veterinary care to prevent and relieve any distress to the animal caused by injury, disease or otherwise.
- 3.2 No owner shall cause or permit their animal to remain outside during extreme weather which may pose a risk to the animal with the exception of where such animal is outside for a short period of time and supervised by its owner or has access to a shelter which provides adequate protection from the elements.
- 3.3 No person shall cause or permit an animal to be left unattended in a vehicle in a manner that may pose a risk to its health or safety from lack of proper ventilation, temperature, unsafe weather or otherwise.
- 3.4 For the purpose of Section 3.3 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.
- 3.5 No person shall cause or permit an animal to be transported outside the passenger compartment of a vehicle unless the animal is contained in an enclosed trailer or cage which provides adequate ventilation, space and shelter from the elements and is secured or fastened in a manner to protect the animal from any sudden changes in the vehicle's movement.
- 3.6 Without limiting any other Section within this By-law, every owner shall ensure that any enclosure provided for their animal is:
- (1) adequately ventilated;
  - (2) constructed and located to permit access to light;
  - (3) maintained in a clean and sanitary condition and free of offensive odours;
  - (4) of a size to permit all animals therein to comfortably extend their bodies to their full natural extent, stand, sit, turn around, lie down and if appropriate for such animal perch; and
  - (5) kept in good repair and maintained to ensure that it does not create any danger to the health of any animal contained therein for any reason.

### **Part 4 - PROHIBITED ACTIVITIES**

- 4.1 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 from the Canadian Kennel Club.
- 4.2 No person shall, within the Town fail to prohibit a dog from running at large.

- 4.3 No person shall give false information when applying for a licence pursuant to this by-law.
- 4.4 No person shall, within the Town, permit a dog to enter onto private property without the consent of the property owner.
- 4.5 No person shall, within the Town, fail to forthwith remove and dispose of dog excrement from any property within the Town.
- 4.6 Excrement - Notwithstanding section 4.6 of this by-law, persons with disabilities are exempt from this provision.
- 4.7 No person shall, within the Town, forcibly retrieve a dog from an enforcement officer or a vehicle under the enforcement officer's control.
- 4.8 No person shall, within the Town, have a dog under control on a leash exceeding 1.8 metre in length.
- 4.9 No person shall, within the Town, fail to notify the Licensing Officer forthwith upon any change in information previously provided to the Town when licensing the dog.

#### **Part 5 - RESPONSIBILITY OF DOG OWNER**

- 5.1 No owner shall permit his or her dog to bite or attack without provocation a person or domestic animal.
- 5.2 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
- 5.3 No person shall keep a dog tethered on a rope, chain, cord or similar restraining device unless:
  - (1) the tether is a minimum of three metres in length and does not permit the dog to go beyond the limit of the dog owner's property;
  - (2) the dog has unrestricted movement within the range of the tether;
  - (3) the dog is not tethered for longer than 4 hours in a 24 hour period;
  - (4) the dog has access to water, shade and shelter while tethered; and the dog cannot injure itself as a result of the tethering
- 5.4 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.

#### **Part 6 - DOG AT LARGE**

- 6.1 No owner of a Dog shall permit the Dog to run at large in the Town except in designated off-leash areas. Dogs within a Multi-residential property must be on a leash that does not exceed 1.8m in length and under the control of a person capable of handling the dog(s) or on a tether securely fastened to the dwelling it resides at and that tether shall not exceed 1.8m in length.
- 6.2 Every Owner of a Dog shall, while the Dog is not on the Owner's Premises, control the Dog by means of a Leash that is held or affixed to their person or another competent person.
- 6.3 A Dog shall not be deemed to be controlled by a Leash if the Leash is attached to an inanimate or immovable object, a motor vehicle or a bicycle.
- 6.4 Sections 6.1 to 6.3 of this By-law shall not apply to:
  - police working Dogs while they are in the course of fulfilling their duties;
  - or



- hunting Dogs that are under the direct supervision of a Person who is a bona fide hunter actively engaged in hunting in accordance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by the laws of the Dominion of Canada, the Province of Ontario and the Town and provided that such Person has obtained the prior consent of the Owner of the parcel of land on which the hunting Dogs are At large, which consent is obtained not more than one year prior to the date of the occasion on which the Dogs are at large.

## **Part 7 - DANGEROUS DOG**

- 7.1** The Enforcement Officer may designate a dog as being a dangerous dog.
- 7.2** Where the Enforcement Officer has designated a dog as a dangerous dog, the Enforcement Officer shall serve notice or cause notice to be served to the dog owner.
- 7.3** Notice shall be served personally or by registered mail to the owner's home address.
- 7.4** Notice shall include:
- (a) Description of the dog;
  - (b) Statement that the Enforcement Officer has deemed the dog dangerous;
  - (c) Requirements that the owner must comply with and when they take effect;
  - (d) Statement that the owner may appeal the decision in writing, within fourteen (14) business days of the date of the notice.
- 7.5** Where the Enforcement Officer has deemed the dog as a dangerous dog, the owner may only appeal the muzzling requirement to the Dangerous Dog Committee of the Town of Amherstburg by filing an appeal with the Clerk within fourteen (14) days of the date of the notice.
- 7.6** All appeals shall be in writing and include:
- (a) Reason(s) or grounds for the appeal;
  - (b) Identification of the appellant and any other party;
  - (c) Name of the agent, representative or lawyer representing the applicant (if applicable);
  - (d) Municipal address, telephone number and email address for each person identified in clause (b) and (c).
- 7.7** Where an owner appeals the muzzling requirement under Section 7.5, the Dangerous Dog Committee shall hear the appeal by way of a hearing to determine whether the dog is dangerous and may, after the hearing confirm, or alter the designation, or direct the owner to do anything under this By-law, as the Dangerous Dog Committee considers proper and for such purpose as may substitute its opinion for that of the Enforcement Officer.
- 7.8** Notwithstanding that an owner has appealed to the Dangerous Dog Committee under Section 7.5, the designation in Section 7.1 and the conditions imposed under Section 8 remain in effect until the appeal is disposed of.

**7.9** The decision of the Dangerous Dog Committee is final.

**7.10** No member of Dangerous Dog Committee or its staff is personally liable for anything done by it, or him or her under the authority of this By-law.

## **Part 8 - RESTRICTIONS RELATING TO A DANGEROUS DOGS**

**8.1** Where the Enforcement Officer designates a dog as being a dangerous dog, and serves the owner with the notice of such designation, the Enforcement Officer may include any of the conditions set out in Section 8.1.1 through Section 8.1.12 inclusive, as deemed necessary by the Enforcement Officer:

**8.1.1** to licence such dangerous dog with the Town in accordance with the applicable by-law;

**8.1.2** to keep the dangerous dog confined within the Owner's dwelling, or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children. Such pen must meet the satisfaction of the Enforcement Officer;

**8.1.3** to keep the dangerous dog confined within the Owner's dwelling, or confined to the owner's fenced yard of adequate construction to prevent the dog from escaping therefrom and preventing entry therein of unsupervised children to the satisfaction of the Enforcement Officer;

**8.1.4** to keep the dangerous dog under effective control of a person at least eighteen (18) years old;

**8.1.5** to keep the dangerous dog on a leash at all times when it is not on the owner's property;

**8.1.6** to display, at the entrance to the owner's dwelling which a person would normally approach, a warning sign that there is a dangerous dog on the property. The sign shall be posted in such a manner that it cannot be easily removed by passersby and it is clearly visible to a person approaching the entrance of the owner's property. The sign shall be subject to approval of the Enforcement Officer.

**8.1.7** to securely attach a muzzle as defined in this By-law to the dangerous dog at all times when it is off the owner's property and not in an enclosed property;

**8.1.8** to provide the Enforcement Officer with the new address and telephone number of the owner within two (2) business days of moving the dangerous dog;

**8.1.9** to provide the Enforcement Officer with the name, address and telephone number of the new owner within two (2) business days of selling or giving away the dangerous dog;

**8.1.10** to advise the Enforcement Officer forthwith if the dangerous dog has bitten or attacked any person or animal;

**8.1.11** impound the dog at the owner's expense for a maximum of ten (10) days or until such time as the owner of the said dog has complied with all the requirements contained in this By-law for the keep of a dangerous dog;

**8.1.12** to obtain up to date rabies vaccination and provide proof satisfactory to the Enforcement Officer.

**8.2** No person shall abandon a dangerous dog other than to a pound operated by, or on behalf of a municipality in Ontario, or to a registered research facility or supply facility under the Animals for Research Act.

- 8.3 The owner of a dog deemed dangerous, shall comply with the conditions imposed by the Enforcement Officer within ten (10) days and provide proof satisfactory to the Enforcement Officer.
- 8.4 Should the owner fail to comply with the requirements contained in this By-law and imposed on the owner for the keeping of a dangerous dog within a ten (10) day period, the Town may seize the dangerous dog until such time as the owner complies with the requirements to the satisfaction of the Enforcement Officer.
- 8.5 Every owner of a dangerous dog who is unable or unwilling to meet the requirements of this By-law shall surrender such dog into the care and control of the Enforcement Officer.
- 8.6 A dog is no longer deemed Dangerous when the dog dies or the Enforcement Officer is satisfied that it no longer resides in the Town.
- 8.7 No person shall interfere with, hinder or impeded an Enforcement Officer in the performance of any duty authorized by this By-law or provincial legislation.

#### **Part 9 - ABANDONMENT OR DISPOSAL OF AN ANIMAL**

- 9.1 No person shall abandon or dispose of an animal within the Town of Amherstburg unless at an approved facility.
- 9.2 Where a motor vehicle is used for the purpose of abandoning or disposing of an animal in contravention of this By-law, the Motor Vehicle Owner commits an offence contrary to subsection 9.1 of this By-law by directing, authorizing, consenting to, acquiescing in or participating in the use of the Motor Vehicle by the person committing the offence.
- 9.3 No person shall be convicted of an offence under this By-law if the person establishes that the person exercised all due diligence to prevent the commission of the offence; or the person proves that the animal was present on the lands and premises with the prior, written consent of the owner or tenant of the lands and premises.
- 9.4 A person who has reason to believe that an animal has been abandoned or disposed of in contravention of the provisions of this By-law shall report the particulars of the contravention to the By-law Enforcement Officer during regular business hours of the Town of Amherstburg or to the local Police Service.

#### **Part 10 - LICENSING**

- 10.1 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 and pay the applicable fee in accordance with the Town's user fee by-law.
- (a) A person claiming entitlement to a lower dog licence fee on the basis that the dog in question has been spayed or neutered, shall produce a Certificate to the Issuer verifying such claim.
- (b) No person shall produce to the Issuer a Certificate respecting a dog other than the dog for which the Certificate was issued
- 10.2 Every person upon becoming an owner and every new resident that is an owner of a dog, shall within fifteen (15) days register and obtain a licence from the Town or its agents a licence for each dog that he or she owns.
- 10.3 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.
- 10.4 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.
- 10.5** 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.
- 10.6** 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.
- 10.7** 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.
- 10.8** In addition to the requirements set out in section 7 of this by-law, every owner with a dog that has been deemed a dangerous dog, 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.
- 10.9** 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.
- 10.10** 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.
- 10.11** Where a licence is not purchased by May 1st of each year, a late fee shall be applied as prescribed in accordance with the Town's user fee by-law.
- 10.12** The tag shall be affixed securely on the dog's collar or restraining device at all times.
- 10.13** Every licence issued by the Licensing Dept. 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.
- 10.14** Where a licence is not purchased within thirty (30) days of acquiring a dog, a late payment penalty shall be applied in accordance with the Town's user fee by-law.
- 10.15** Where a tag has been lost, an application shall be made to the Licensing Officer for a replacement dog tag together with the applicable fee as prescribed in accordance with the Town's user fee by-law.

- 10.16** 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.
- 10.17** No person shall be entitled to a licence rebate under this by-law.
- 10.18** The onus of proving a person has a valid dog tag licence is on the person alleging the licence.

#### **Part 11 - RESTRICTED PIT BULL DOGS**

- 11.1** 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.
- 11.2** The owner of a restricted or grandfathered pit bull dog shall comply with the provisions as set out within the Dog Owners Liability Act.
- 11.3** 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.
- 11.4** 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 12 - FEES**

- 12.1** Licence fees shall be set and approved by Council from time to time and are listed in Schedule "A" to this by-law in accordance with the Town's user fee by-law.
- 12.2** 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.
- 12.3** 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 13 - IMPOUNDMENT**

- 13.1** The Animal Control Officer and By-law Enforcement Officer may, and any Police Officer may, seize any dog found running at large as defined in this by-law.
- 13.2** Every dog seized by a Police Officer or By-law Enforcement Officer shall forthwith be delivered to the municipal pound.
- 13.3** The Animal 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 By-law Enforcement Officer.
- 13.4** A By-law 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.
- 13.5** An Animal Control Officer shall be permitted to enter onto land at any time for the purpose of seizing a dog running at large.
- 13.6** A person exercising a power of entry on behalf of the Town under this by-law must, upon request, display or produce proper identification.
- 13.7** 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.

- 13.8** 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.
- 13.9** Where a dog that is impounded is not claimed by the owner within the redemption period, 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.
- 13.10** 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.
- 13.11** 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 14 - CATS**

- 14.1** No owner shall keep or permit to be kept in excess of 4 cats on a lot.
- 14.2** For the purposes of Section 15.1, a cat shall not count towards the total permitted number if kept in accordance with the following:
- (a) within a pet store;
  - (b) temporarily kept by a rescue organization, recognized by the Town, for the purposes of being fostered and subsequently adopted or in connection with a Trap, Neuter and Return program; or
  - (c) on a lot within an agricultural or rural zone for the purposes of providing outdoor pest control to support an active agricultural operation.
- 14.3** No owner shall cause or permit their cats to create an adverse impact to any adjacent or nearby lot as a result of odour, noise, roaming of cats or otherwise.

#### **PART 15 - KEEPING OF ANIMALS**

- 15.1** No person shall possess, keep, sell, make available for sale, or harbour any prohibited animal saving and excepting where permitted by Zoning By law 1999-52.
- 15.2** Any wild animal unless such animal is under releasable age and cannot fend for itself, or is injured and unable to fend for itself and the facilities for keeping the animal must be such that there is no danger to people and to other animals. When any wild animal being kept for the aforementioned reasons, becomes able to fend for itself, it must then be released back into the wild or to the care of an animal shelter operated by the Essex County Humane Society or Erie Wildlife Rescue Inc.
- 15.3** Any person who owns an animal shall:

- (1) treat it in a humane manner;
- (2) keep it so that,
  - (a) offensive odours and the transfer of disease are minimized
  - (b) a female animal in heat does not attract other animals,
  - (c) there is a suitable exercise area for each animal, and
  - (d) the animal cannot readily escape;
- (3) provide the necessary food, water, housing and attention as required to keep the animal in good health and free from harm; and
- (4) remove forthwith any excrement of the said animal and dispose of it in a sanitary manner.
  - (a) Any person who owns an animal that is customarily kept outside shall at all times:
    - (i) Provide it with protection from the elements including harmful temperatures;
    - (ii) Provide a structurally sound, weatherproof, insulated shelter, of a size and design having regard for the animal's weight of type of coat;
    - (iii) Provide an enclosure which has sufficient space to allow the animal the ability to turn around freely and to easily sit, stand and lie in a fully extended position.

**15.4** No person shall keep, or cause to be kept, at or in any premises,

(1) more than two (2) of each kind of animal not otherwise prohibited by this by-law with the exception of cats in accordance with Section 14.1 and dogs in accordance with Section 4.1

**15.5** The number of animals stated in section 4.1, 14.1 & 15.4 are the maximum numbers that are permissible for any premises, regardless of the number of persons occupying the premises.

**15.6** No person who owns any animal shall permit such animal to be at large within the Town of Amherstburg.

(2) For the purpose of this section, an animal is deemed to be at large when:

(a) found on a highway or other public property, or on private property other than the premises upon which it is habitually kept, and

(b) not under the control of any person

**15.7** Section 15.6 shall not apply to cats.

**15.8** No person within the town shall own/posses/harbour an animal listed in Schedule "B" unless the animal is otherwise permitted under this by-law.

**15.9** Any domestic fowl unless permitted under Zoning By-law 1999-52 for the Town of Amherstburg, as amended.

#### **Part 16 – FEEDING OF WILDLIFE**

**16.1** No person shall intentionally feed a Wild Animal or leave food or Attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by a Wild Animal, feral or stray domestic Animal on private or public property.

**16.2** Section 16.1 does not apply to the feeding of songbirds on a property, provided the following feeding requirements are met by the resident:

- (a) seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by Wild Animals;
- (b) bird feeding practices do not attract large flock of homing birds such as wild, feral or domestic Pigeons; and
- (c) spillage of seed upon the ground is removed by the property Owner or resident forthwith and disposed of in such a manner that it does not attract Wild Animals, feral or stray domestic animals.

**16.3** Section 16.1 does not apply in the following situations:

- (a) the leaving of food as bait in a trap by a property Owner or resident to capture a sick or injured Animal inhabiting or habituating their property pursuant to this By-law;
- (b) the leaving of food as bait by a licensed trapper, an employee of a Wildlife or pest control agency licensed by the province, a Municipal Law Enforcement Officer, or Windsor Police Officer, or other Government Entity in the performance of their duties;
- (c) the leaving of food for a colony of Stray or feral Cats for the purpose of trap, neuter or spay, and manage program approved by the Director.

**Part 17 – NOISE**

**17.1** No owner shall permit persistent barking, calling, whining or other noise making by his or her dog that is clearly audible at a point of reception located in the Town.

**Part 18 - ENFORCEMENT**

- 18.1** 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.
- 18.2** 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.
- 18.3** 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.
- 18.4** This By-law may be enforced by the Chief of Police, by a Provincial Offences Officer, by an Animal Control Officer or by a Pound Keeper.

**Part 19 - PENALTY**

**19.1** Any person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to the maximum penalty as prescribed by the Provincial Offences Act, R.S.O., 1990, c.P. 33, as amended, and all such penalties and costs may be recovered under the Provincial Offences Act.

**Part 20 - SEVERABILITY**


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




- 20.2** When any requirement of this By-law is at a variance with other By-law in effect in the Town or with provincial or federal statute or regulation, the more restrictive requirement shall apply unless otherwise stated in the legislation.
- 20.3** If there is a conflict between provisions of the Dog Owner's Liability Act, R.S.O. 1990, C.D. 16 or a regulation under that Act, or any other Act relating to dangerous dogs, and a provision of this By-law relating to dangerous dogs, the provision that is most restriction in relation to the control of dangerous dogs prevails.

#### **Part 21 – REPEAL OF BY-LAWS**

- 21.1** That By-law's 2005-24, 2005-69, 2009-57, 2015-123 and 2011-77 be repealed.
- 21.2** This by-law shall come into force and take effect on the day of final passing thereof.

  
\_\_\_\_\_  
**Aldo DiCarlo, Mayor**

  
\_\_\_\_\_  
**Valerie Critchley, Clerk**

First reading – February 28, 2022  
Second reading – February 28, 2022  
Third reading – February 28, 2022

**SCHEDULE "A" TO BY-LAW 2022-008 FEES AND PENALTIES in  
accordance with the Town's User Fee By-Law**

<b>PURCHASED:</b>	<b>January 1 to April 30</b>	<b>After April 30</b>
<b>Spayed or Neutered</b>	<b>\$16.00</b>	<b>\$26.00</b>
<b>Seniors rate (55+)</b>	<b>\$11.00</b>	<b>\$21.00</b>
<b>Not Spayed or Neutered</b>	<b>\$26.00</b>	<b>\$36.00</b>
<b>Seniors rate (55+)</b>	<b>\$21.00</b>	<b>\$31.00</b>
<b>Personal Assistance Dogs (Proof required)</b>	<b>\$0</b>	<b>\$0</b>

**SCHEDULE “B” to BY-LAW NO. 2022-008**

**PROHIBITED ANIMAL COMMON NAME/EXAMPLES\***

<b>Prohibited Animal</b>	<b>Common Name/Examples*</b>
All venomous Arachnida	Tarantulas
All venomous Scorpiones	Scorpion
All Artiodactyl Ungulates (except domestic goats, sheep, pig, cattle)	Camel, antelope, llamas, giraffes, hippopotamus
All Canidae (other than common dog)	Wolf, jackal, coyote or hybrids thereof
All Chiropterae	Bat
All Crocrodilia	Alligator, crocodile
All Edenates	Anteater, armadillo, sloth
All felids (other than common cat)	Leopard, lion, tiger, lynx, panther, puma, cheetah, jaguar, bobcat, ocelot, or hybrids thereof
All Herpestidae	Mongoose
All Hyaenidae	Hyena
All insectivore (except hedgehog)	Shrews, moles
All Marsupialia	Bandicoot, kangaroo, opossum, wombat, koala, Tasmanian devil
All Mephitidae	Skunk
All Mustelidae (except domestic ferrets)	Marten, polecat, weasel, otters, badgers, mink, fisher, wolverine
All Perissodactyl ungulates (except domestic horse, donkey, mule, jackass)	Tapir, zebra, rhinoceroses
All Pinnipediae	Seal, walrus, sea lions
All non-human Primates	Ape, lemur, monkey, gorilla

All Proboscidea	Elephant
All Procyonidae	Coati, raccoon, ringtails
All Raptors (except falcons for the purpose of falconry)	Eagle, hawk, owl, vulture, falcons
All Ratites	Cassowary, ostrich, emus, rheas
All Ursidae	Bear
All Venomous Reptilia	Venomous snakes, lizard
All Serpentes of the families Pythonidae and Boidae	Pythons, boas, anaconda
All Viverridae	Civet
All venomous and poisonous animals	

Note: The common names referred to in the right hand column are some of the names of animals included in the classes of animals referred to in the left hand column of this schedule. The common names are provided for information purposes only and are not intended to limit the extent of the classes of animals referred to.

\*\* Note: Permissible animals include domestic ferrets, gerbils, domestic guinea pigs, hamsters, mice, rats, degu, chinchilla, gerboa, mini pigs, hedgehogs, rabbits.