

BY-LAW NUMBER 176-2005

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A By-law to provide for the regulation, restriction and prohibition of the keeping and the running at large of dogs in the Municipality of Chatham-Kent

FINALLY PASSED the 25<sup>th</sup> day of July, 2005.

WHEREAS the Municipality of Chatham-Kent is empowered under Sections 103 and 105 of the Municipal Act, 2001, S.O. 2001, c.25 to pass by-laws relating to animals within the Municipality of Chatham-Kent;

AND WHEREAS the Municipality of Chatham-Kent is empowered under Section 130 of the Municipal Act, 2001, S.O. 2001, c.25 to regulate matters for purposes related to the health, safety and well-being of the inhabitants of the Municipality.

AND WHEREAS the Municipality of Chatham-Kent is empowered under the Dog Owners' Liability Act, and related regulations, to regulate matters related to dogs.

THEREFORE the Municipal Council of the Municipality of Chatham-Kent enacts as follows:

Part 1

DEFINITIONS

1.1 Definitions

In this by-law:

- (a) Act – defined  
“Act” shall mean the Dog Owner Liability Act, R.S.O. 1990 c. D. 16 (hereafter referred to as “the Act”) as amended from time to time.
- (b) Adult – defined  
“Adult” shall mean a person over the age of eighteen.
- (c) Animal Control Officer – defined  
“Animal Control Officer” shall mean:
  - (i) a municipal law enforcement officer appointed pursuant to the Police Services Act;
  - (ii) a police officer appointed pursuant to the Police Services Act; or
  - (iii) an agent or inspector pursuant to the Ontario Society for the Prevention of Cruelty to Animals Act.
- (d) Council - defined  
“Council” shall mean the Council of the Municipality of Chatham-Kent.
- (e) Dangerous Dog – defined  
“Dangerous Dog” means any dog:
  - (i) that has bitten or injured a human being or domestic animal; or
  - (ii) that has been threatening or aggressive towards a human being or domestic animal.
- (f) Dog – defined  
“Dog” shall mean a male or female dog over the age of four (4) months.
- (g) Dwelling Unit – defined  
“Dwelling Unit” shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which occupants have access to all the habitable areas and facilities of the unit.

- (h) Hunting – defined  
“Hunting” shall mean lying and waiting for, searching for, being on the trail of, pursuing, chasing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed, and does not include trapping.
- (i) Kennel – defined  
“Kennel” shall mean a lot, building, structure or establishment in which three or more dogs are housed, boarded or bred.
- (j) License agent – defined  
“License agent” shall mean a person appointed by Council to issue dog licenses.
- (k) License issuer – defined  
“License issuer” shall mean the Licensing Division for the Municipality Of Chatham-Kent
- (l) Municipality – defined  
“Municipality” shall mean the Municipality of Chatham-Kent
- (m) Owner- defined  
“Owner” includes a person who keeps, possesses or harbors a dog and where the owner is a minor the person responsible for the custody of the minor.
- (n) Person – defined  
“Person” includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.
- (o) Pet Shop – defined  
“Pet Shop” shall mean an establishment engaged in the retail sale of animals.
- (p) Pet Shopkeeper – defined  
“Pet Shopkeeper” shall mean a person who has the charge, care or ownership of a pet shop.
- (q) Pound – defined  
“Pound” means premises, regulated under the Animals for Research Act, that are used for the confinement maintenance or disposal of animals that have to be impounded pursuant to this by-law.
- (r) Premises – defined  
“Premises” includes the entire lot on which a building may or may not be situated.
- (s) Puppy – defined  
“Puppy” shall mean a male or female dog under the age of four (4) months.
- (t) Restricted Dog – defined  
“Restricted Dog” shall be a “pit bull” as defined in the Act, as amended from time to time.
- (u) Running at large – defined  
“Running at large” shall mean to be found in any place other than the premises of the owner of the dog and not either under the physical control of any person or on a leash.

## Part 2

### EXEMPTIONS

- 2.1 Animal hospital – clinic – kennel – registered  
This by-law shall not apply to an animal hospital, clinic or kennel lawfully operated and supervised by a veterinarian for the exclusive purpose of treating sick or injured animals, who are a registered member of the College of Veterinarians of Ontario.

- 2.2 Ontario Society for the Prevention of Cruelty to Animals  
This by-law shall not apply to the Ontario Society for the Prevention of Cruelty to Animals.
- 2.3 Pound  
This by-law shall not apply to a pound.
- 2.4 Pet Shop  
This by-law shall not apply to pet shops.
- 2.5 Zoos – fair – exhibitions – circuses – authorized  
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.
- 2.6 Service Dogs  
This by-law shall not apply to 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.
- 2.7 Research facility – registered  
This by-law shall not apply to dogs maintained at a research facility registered under the Animals for Research Act.
- 2.8 Hunting Dogs  
This by-law shall not apply to dogs while being used for the purpose of hunting.

### Part 3

#### KEEPING OF DOGS

- 3.1 Maximum – 2 per premises  
No person shall keep more than 2 dogs in any one dwelling unit or on any premises.
- 3.2 Kennels – registered – number dogs - not limited  
Section 3.1 of this by-law shall not apply to any person keeping a kennel of dogs licensed under Part 5 of this by-law.
- 3.3 Excrement – removal – disposal – sanitary – immediate  
Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the Municipality.
- 3.4 Trespassing – without consent – by dog – prohibited  
No person shall permit a dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.
- 3.5 Running at large – prohibited  
No owner of a dog/puppy shall permit the dog/puppy to run at large or fail to prohibit the dog/puppy from running at large.
- 3.6 Keeping of Dangerous Dogs
- i. Every owner of a dangerous dog shall:
    - a) license such dog with the Municipality as a dangerous dog in accordance with the requirements of this by-law;
    - b) ensure that such dog is spayed or neutered;
    - c) ensure that such dog has an up to date rabies shot
    - d) display a sign at each entrance to the property and building in which the dog is kept warning that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
  - ii. When a dangerous dog is off its owner's property the owner shall:

- a) ensure the dog is muzzled in a humane manner at all times;
  - b) ensure the dog is on a leash not longer than one metre; and
  - c) ensure the dog is under the control of a person over the age of eighteen.
- iii. When a dangerous dog is on its owner's property the owner shall:
- a) ensure the dog is securely confined in a locked area that meets the following standards:
    1. The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
    2. The pen must have minimum dimensions of two metres by four metres and must have secure sides and secure top.
    3. If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep.
    4. The pen shall also provide protection from the elements for the dog.
    5. The pen shall not be within three metres of the property line or within three metres of a neighbouring dwelling unit.
- iv. It shall be a condition of every licence for a dangerous dog that the owner of the dangerous dog provide and maintain a policy of liability insurance in the amount of at least one million dollars, covering the twelve-month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall name the Municipality as an additional insured for the sole purpose of the Municipality being notified by the insurance company of any cancellation, termination or expiration of the policy.
- v. If the Municipality has, in its sole discretion, determined that a dog is a dangerous dog for the purposes of this by-law, the Municipality shall impound the said dog at the owner's expense for a maximum of 10 days or the Municipality may order the owner of the said dog to impound the dog on the owners property until such time that the owner of the said dog has complied with all of the requirements contained in this by-law for the keeping of a dangerous dog. Should the owner fail to comply with all of the requirements contained in this by-law for the keeping of a dangerous dog within the said 10-day period, the Municipality may humanely destroy the impounded dangerous dog.
- vi. In the event the owner fails to comply with the provisions of section 3.8, the dog shall be seized in accordance with section 13 of the Act, as amended.

### 3.7 Keeping of Restricted Dogs

The owner of a restricted dog shall comply with the following requirements:

- i. As of August 29, 2005, a restricted dog must be licensed with a current year dog tag to prove ownership of such dog at the time of the provincial legislation implementation.
- ii. To keep a restricted dog, when it is on the land or premises of the owner, confined and under effective control, as approved by the Animal Control Officer;
- iii. To keep a restricted dog under the effective control of an adult person and under leash or otherwise contained at all times as approved by the Animal Control Officer when it is not confined in accordance with clause ii;
- iv. To provide the Licensing Issuer with the new address and telephone number of the owner within seven (7) days of moving the restricted dog;

- v. To provide the Licensing Issuer with the name, address and telephone number of the new owner within seven (7) days of selling or other transfer of ownership of a restricted dog;
- vi. To advise the Licensing Issuer within seven (7) days of the death of a restricted dog; and
- vii. To advise the Licensing Issuer forthwith if the restricted dog is running at large or has bitten or attacked any person or animal.

### 3.8 Responsibilities of Dog Owners and the Public

- i No owner 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;
  - b) To fight with any domestic animal or domestic bird; and
  - c) To damage public or private property.
- ii No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this by-law or provincial legislation.
- iii No person shall:
  - a) tease, torment, annoy, or abuse any dog; and
  - b) 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.

## Part 4 LICENSING

- 4.1 Licensing agent – appointed – authorized  
The Council shall appoint a licensing agent or agents for the Municipality and every such license shall be executed on behalf of the Municipality.
- 4.2 Registration – information – requirements  
The license agent shall keep a record showing the following dog license registration information:
  - i) name any address of dog owner;
  - ii) serial number of tag;
  - iii) date of registration;
  - iv) description of dog;
  - v) amount of fee paid upon registration.
- 4.3 Application – license – description – fee  
Every license application shall be accompanied by the following:
  - i) description of dog including colour, breed and name;
  - ii) applicable fee; and
  - iii) Veterinary information of the dog.
- 4.4 License –annually  
Every owner, shall cause his/her dog/puppy to be licensed.
- 4.5 Expiry – annual – December 31  
Every license issued by the license agent shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.
- 4.6 Tag - required
  - i) Tag – serial number – issued – upon payment of fee  
Upon payment of the applicable fee(s), the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued and the words “Municipality of Chatham-Kent”.

- ii) Tag – affixed – securely – to dog – at all times  
The tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.
- iii) Tag – replacement – where lost  
Where a tag has been lost, an application shall be made to the license agent for a replacement tag.
- iv) Tag – replacement – proof of payment – plus fee  
The application shall be accompanied by proof that the current year's license fee has been paid and the applicable replacement tag fee.
- v) Tag – removal  
No person shall, within the Municipality of Chatham-Kent, unlawfully remove a dog tag from a licensed dog.
- vi) Ownership – change in – failure to notify  
Every owner shall notify the license agent upon the change in ownership of a licensed dog.

## Part 5 KENNELS

- 5.1 No person shall keep a dog kennel without a license
- 5.2 Every owner of a kennel shall pay to the Municipality a kennel license fee for each year or any portion thereof as may be established annually.
- 5.3 Every kennel shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent the arising of odors therefrom, and shall be kept free of flies or vermin at all times.
- 5.4 Where a kennel referred to in Section 5.2 of this by-law has acquired legal non-conforming status, such use for the boarding of dogs may continue without limitation as to the number of dogs boarded and not subject to the provisions of section 5.5 until such use is discontinued by the present owner.
- 5.5 Save as provided in Section 5.4 of this by-law, no kennel may be established except where it is permitted under the applicable Zoning by-law in force from time to time.
- 5.6 No kennel with an outside area of confinement for dogs shall be constructed or located within 10 meter's of any building used for human habitation on any adjacent lot, and no outside area of confinement for dogs shall be constructed or located within three meters of any property boundary line.
- 5.7 All kennels may be subject to inspection by the Medical Officer of Health for the Municipality of Chatham-Kent or his designate, as, in his discretion, he feels it is warranted and where, in his opinion, a kennel deviates from the minimum standards established by him, the Licensing Issuer of the Municipality shall be at liberty to revoke the license herein granted until such time as the Issuer is notified by the Medical Officer of Health that the Kennel complies with these standards. The owner of the kennel shall have a right to appeal to Council the revocation in this regard.

## Part 6 FEES

- 6.1 Fees  
The license fees to be paid to the Municipality of Chatham-Kent shall be as set out in Appendix "A" of this by-law.
- 6.2 Guide dogs – hearing ear dogs – handicap – aid dogs – police service dogs exempted

Guide dogs within the meaning of the Blind Persons' Rights Act, hearing ear dogs, handicap-aid dogs and police service dogs, are exempt from the payment of all license fees applicable pursuant to this by-law.

6.3 Pound fees – payment – proof of ownership – required

Where a dog is claimed from the Animal Control Officer, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog license, and pay the Licensing Issuer the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.

Part 7

IMPOUNDING

7.1 Seizure – impounding

The Animal Control Officer shall impound any dog seized by him/her or delivered to him/her by a police officer or member of the public.

7.2 Claim – within 72 hours – release

The owner or keeper of an dog impounded for being at large shall be entitled to redeem such dog 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 the Licensing Issuer the applicable pound charges prescribed, and any other damages, fines and expenses according to law.

7.3 Owner – to claim dog – before disposal

The owner of a dog that has been impounded may, upon application to the Licensing Issuer, claim the dog before the Animal Control Officer is entitled to dispose of the dog according to the provisions of section 7.4 of this by-law.

7.4 Disposal – dog – not claimed – Animal Control Officer – discretion

Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Animal Control Officer may retain the dog for such further time as he may consider proper and during that time the Animal Control Officer may:

- i) sell the dog for such price as they may consider proper;
- ii) euthanize the dog;
- iii) dispose of the dog in accordance with the Animals for Research Act.

7.5 Euthanasia – for humane – safety reasons

Where a dog that is captured or taken into custody is injured or in the opinion of the Animal Control Officer, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other trained person appointed by the Licensing Issuer, 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.

7.6 Euthanasia – dangerous dog – running at large

In the opinion of an Animal Control Officer, where a dog cannot be safely captured or where the safety of persons or animals are endangered, the Animal Control Officer or other trained person appointed by the Licensing Issuer, may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

7.7 Veterinary services – required – payable by owner

Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Animal Control Officer, the owner shall pay to the Animal Control Officer all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this by-law, whether the dog is alive, dies or is euthanized.

7.8 Compensation – to dog owner – prohibited

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

- i) recovered by any owner or other person; or
- ii) paid by the Licensing Issuer or the Municipality of Chatham-Kent

Part 8  
ENFORCEMENT

8.1 Penalty

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 9  
REPEAL – ENACTMENT

9.1 By-law – previous

By-law 383-2002 shall be repealed on the date this by-law comes into force and effect.

THIS By-law shall come into effect upon the final passing thereof.

READ A FIRST, AND SECOND AND THIRD TIME this 25<sup>th</sup> day of July, 2005

Original Signed by:

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Mayor – Diane Gagner

Original Signed by:

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Clerk – Elinor Mifflin

## APPENDIX "A"

## Schedule of Fees

|  |           |
|--|-----------|
| Puppy (under 1 year old)                               | \$25.00   |
| Dog neutered or spayed & vaccinated for rabies         | \$25.00   |
| Dog not neutered or spayed & vaccinated for rabies     | \$35.00   |
| Dog not vaccinated for rabies & neutered or spayed     | \$35.00   |
| Dog not vaccinated for rabies & not neutered or spayed | \$55.00   |
| Late fee after March 1 <sup>st</sup> Additional        | \$10.00   |
| Replacement Tag  | \$ 5.00   |
| Kennel License   | \$85.00   |
| Dangerous Dog  | \$200.00  |
| Guide dogs & Service dogs                              | No Charge |