

By-law Number 93-2015

Corporation of the Municipality of Chatham-Kent

A By-law for Responsible Animal Ownership  
in the Municipality of Chatham-Kent.

Finally Passed the 13<sup>th</sup> day of July, 2015.

**Table of Contents**

Section	Title
1	Definitions
2	Interpretation
3	Scope
4	Licensing of Dogs
5	Number of Animals
6	Kennels
7	Animals at Large, Animal Keeping Standards etc.
8	Removal of Excrement by Dog
9	Tethers
10	Responsibilities of Animal Owners and the Public
11	Extreme Weather
12	Abandonment or Disposal of Animals and/or Litters of Animals
13	Animals in Vehicles
14	Designating Dogs as Potentially Dangerous or Dangerous
15	Prohibited Animals
16	Impounding Animals
17	Administration and Enforcement
18	General Provisions
19	Repeals, Amendments, Transition and Enactment

**Whereas** section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended (*Municipal Act, 2001*) provides that a municipality may pass a by-law to regulate animals;

**And Whereas** section 103 of the *Municipal Act, 2001* provides that where a municipality has passed a by-law to regulate or prohibit with respect to the being at large or trespassing of animals, the municipality may provide for the seizure impounding and sale of seized and impounded animals;

**And Whereas** section 391 of the *Municipal Act, 2001* provides that a municipality may pass bylaws imposing fees or charges for services;

**And Whereas** the Council of the Municipality of Chatham-Kent deems it appropriate to charge a fee to owners of animals for the provision of the service of animal control;

**And Whereas** the Council of The Corporation of the Municipality of Chatham-Kent deems it appropriate to provide animal control for the health and safety of the public.

**Now Therefore** the Council of the Municipality of Chatham-Kent enacts as follows:

## 1. Definitions

In this By-law:

“**abandon**” means the surrender, relinquishment or cession of live **animals** and/or **litters of animals** with the intention of not reclaiming them;

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

“**at large**” means not on a leash and **under the control of some person**;

“**bees**” means the insects known as *Apis mellifera*;

“**bite**” in all of its forms means the breaking, puncturing or bruising of the skin of a person or domestic **animal** caused by the tooth or teeth of a **dog**;

“**cat**” means a male or female of the species *felis catus*;

“**choke collar**”, “**choke chain**” or “**prong collar**” means a collar that tightens, constricts or pinches an **animal**’s neck when tension is applied and may inflict pain or discomfort on an **animal**;

“**Council**” means the Council of the Municipality of Chatham-Kent;

“**dispose**” means the action or process of throwing away or getting rid of live **animals** and/or a **litter of animals** on a property without the express approval or permission of the **property owner**;

“**dog**” means a male or female of the species *canis familiaris*;

“**extreme weather**” means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the Municipality of Chatham-Kent including for not limited to extreme cold or hot weather, snow storms, freezing rain, heavy rainfall, hurricanes, tornadoes and/or strong winds;

“**fish**” means a gill-bearing aquatic craniate animals that lack limbs with digits;

“**keep**” in all its forms, includes care, control or possession whether temporary or permanent;

“**kennel**” means a lot, building, structure or establishment in which four or more **dogs** are housed, boarded or bread, and is licensed under this By-law;

“**litters of animals**” means the offspring of one birth of an **animal**;

“**livestock**” means cattle, goats, horses, sheep, swine, poultry, fur-bearing **animals**, **bees**, cultured **fish**, deer, elk, game **animals** or birds grown, produced or raised as part or all of a farm on **premises** zoned under the **Municipality**’s zoning by-law permitting such use;

“**microchip**” means an approved Canadian Standard encoded identification device implanted into an **animal** which is programmed to store a unique and permanent identification number that permits access to **owner** information which is stored in a central database;

“**mitigating factor**” means a circumstance 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 reacting to a person or a domestic **animal** trespassing on the property of its **owner**; or
- c) the **dog** was, at the time of the aggressive behaviour, being teased, provoked, or tormented;

“**Municipality**” means the Municipality of Chatham-Kent or the geographic area of the Municipality of Chatham-Kent as the context suggests;

“**muzzle**” in all of its forms means a humane fastening placed over a **dog’s** mouth of adequate strength to prevent it from biting;

“**Officer**” means a Provincial Offences Officer as defined in section 1(1) of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, which includes a by-law enforcement officer of the **Municipality** and a Police Officer of the Chatham-Kent Police Service or assigned by the **Poundkeeper** to enforce this By-law;

“**owner**” in all of its forms, when used in relation to an **animal**, includes a person who **keeps** an **animal** and, where the person is under the age of 18, the person responsible for the custody of the person under the age of 18;

“**Pet Store**” means establishments primarily engaged in the selling of **animals**, **fish** or birds, which are permitted under the **Municipality’s** zoning by-law.

“**pit bull**” has the same meaning for the purposes of this By-law as it has for the purposes of the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D.16;

“**police animal**” means an **animal** trained to aid police officers and used by police officers when carrying out their duties;

“**pound**” means **premises** that are operated by the **Municipality** used for the detention, maintenance or disposal of **animals**, that may be operated by the **Municipality** or its contractors from time to time;

“**Poundkeeper**” means the **Municipality’s** Manager of Licensing Services and his or her designate or successor;

“**premises**” means all the abutting lands owned by a person, or over which a person exercises control, including a building, buildings or a part of a building located on the lands, and includes a vacant lot or lots;

“**prohibited pit bull**” has the same meaning for the purposes of this By-law as it has for the purposes of the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D.16;

“**property owner**” means the registered owner of the real property and shall include family members or a tenant of the **property owner** who may be residing at such property;

“**protective care**” means the temporary, time-limited keeping of an animal by the **Municipality** as a result of an eviction, incarceration or fire or medical emergency;

“**redemption period**” means that period of time within which the **owner** of an **animal** that has been impounded in the **pound** has the right to redeem it;

“**restricted pit bull**” has the same meaning for the purposes of this By-law as it has for the purposes of the *Dog Owners’ Liability Act, R.S.O. 1990, c. D. 16*;

“**service animal**” means an **animal** that:

- a) has successfully completed training by a recognized school for service as a guide **animal** for the visually or hearing impaired or a special skills **animal** for other disabled persons; and is performing the service for which it was trained; or
- b) is actively training to be a guide **animal** for the visually or hearing impaired or a special skills **animal** for other disabled persons, with a recognized school.

“**sterilized**” means spayed or neutered;

“**tethered**” means the fastening of a rope, chain, cord or similar restraining device to an **animal’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;

“**under the control of some person**” includes capable of immediate custody or restraint;

“**vehicle**” includes an automobile or any other device for the transportation of persons or goods 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 within the meaning of the *Highway Traffic Act R.S.O. 1990 c. H8*, as amended, and the regulations thereunder.

## 2. Interpretation

- 2.1. The requirements of this By-law are in addition to requirements contained in any other applicable by-laws of the **Municipality** or applicable provincial or federal statutes or regulations.
- 2.2. If there is a conflict between a provision of this By-law and any other by-law of the **Municipality** or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of **animals** shall prevail.

## 3. Scope

- 3.1. The provisions of this By-law apply to the entire geographic area of the **Municipality**.
- 3.2. Despite section 3.1 the provisions of this By-law do not apply to:
  - a) the **premises** of a **pound** as approved by the Municipality’s Manager of Licensing Services;
  - b) **premises** used by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society;
  - c) a supply facility licensed in accordance with the *Animals for Research Act*;
  - d) a research facility registered in accordance with the *Animals for Research Act*;

- e) an **animal** hospital or clinic operated and supervised by a veterinarian who has a licence to practise veterinary medicine issued under the *Veterinarians Act*;
- f) a university or college;
- g) **livestock**, except where **livestock** is **at large** as set out in sections 7.1 and 7.3;
- h) a horse boarded or trained as part or all of an agricultural use on **premises** zoned under the **Municipality's** zoning by-law permitting such use, except where a horse is **at large** as set out in sections 7.1 and 7.3;
- i) **bees**;
- j) **fish**;
- k) any display held by an agricultural or horticultural organization;
- l) a temporary public display of **animals** including a circus, carnival or classroom display;
- m) Greenview Aviaries Park & Zoo located at 12752 Talbot Trail, Morpeth.

#### 4. Licensing of Dogs

- 4.1. No person shall own a **dog** without a current, valid licence for the **dog**.
- 4.2. The **owner** of a **dog** applying for a licence shall submit to the **Poundkeeper** a properly completed application together with the applicable licence fee. The application shall include the following:
  - a) the name, address and telephone number of the **owner**;
  - b) the name, colour and sex of the **dog**;
  - c) the breed of the **dog**;
  - d) the address of the **premises** where the **dog** is to be **kept** in the **Municipality**;
  - e) the date of the **dog's** most recent rabies vaccination;
  - f) if applicable, the details of the **dog's** **microchip** identification;
  - g) if the **dog** is a **pit bull**, proof satisfactory to the **Poundkeeper** that it is a **restricted pit bull**; and
  - h) such additional information as may be required by the **Poundkeeper**.
- 4.3. Every **owner** of a **dog** shall notify the **Poundkeeper** immediately of any change in:
  - a) the name, address or telephone number of the **dog**;
  - b) the address of the **premises** where the **dog** is to be **kept** in the **Municipality**;
  - c) the **ownership** of the **dog**.
- 4.4. A licence issued under this By-law shall expire on December 31<sup>st</sup> of each year.
- 4.5. No licence issued under this By-law shall be valid unless the applicable licence fee has been paid in full.
- 4.6. Every person who owns a licensed **dog** shall ensure that they renew the licence on or before March 31<sup>st</sup> of each year.
- 4.7. In the event the **owner** of a licensed **dog** fails to renew the licence before March 31<sup>st</sup>, they shall pay, in addition to the applicable licence fee, the applicable late payment fee, as set out in the **Municipality's** User Fee By-law.

- 4.8. Despite any other provision under this By-law, no owner, upon providing proof satisfactory to the **Poundkeeper**, shall pay a fee for a licence issued for a **dog** that is a **police animal** or a **service animal**.
- 4.9. Despite section 4.1 no licence shall be required under this By-law for:
- a) a **dog** which is under the age of 16 weeks; or
  - b) a **dog** which is temporarily **kept** at a **kennel**, if the **dog**, when not being kept at the **kennel**, is kept at **premises** located outside of the **Municipality**.
- 4.10. Where a licence is issued under this By-law, the **owner** of the **dog** shall be given a licence number and an identification tag.
- 4.11. Every **owner** shall ensure that the identification tag corresponding to the licence issued for their **dog** is attached to the **dog** at all times.
- 4.12. Despite section 4.11 the identification tag is not required to be attached to a **dog** that is being lawfully used for hunting.
- 4.13. No person shall attach an identification tag to a **dog** for which the corresponding licence was not issued.
- 4.14. Every **owner** of a **dog** shall ensure that a lost identification tag is replaced immediately.
- 4.15. The **owner** of a **dog** applying for a replacement identification tag shall submit to the **Poundkeeper** a properly completed application together with the applicable fee. The application shall include proof satisfactory to the **Poundkeeper** that a current, valid licence has been issued for the **dog**.
- 4.16. The **Poundkeeper** may revoke any licence issued in error.

## 5. Number of Animals

- 5.1. No person shall **keep** or permit to be kept on any one **premise** owned or occupied by them more than three **dogs**.
- 5.2. No person shall **keep** or permit to be kept on any one **premise** owned or occupied by them more than five **cats**.
- 5.3. Despite section 5.1, a person may **keep** a **dog** following the birth of the **animal** until the age of 16 weeks.
- 5.4. Despite section 5.2, a person may **keep** more than 10 **cats** on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use.
- 5.5. Despite section 5.1 and 5.2, a **Pet Store** may **keep** more than three **dogs** and more than 10 **cats**.

## 6. Kennels

- 6.1. No person shall **keep a dog kennel** without a licence.
- 6.2. Every **owner** of a **kennel** shall pay to the **Municipality** a **kennel** licence fee as set out in the **Municipality's** User Fee By-law for each year or any portion thereof as may be established annually.
- 6.3. 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.
- 6.4. Where a **kennel** referred to in Section 6.2 of this By-law has acquired legal non-conforming status, as determined by the **Municipality's** Chief Building Official, 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 6.5 until such use is discontinued by the present **owner**.
- 6.5. Save as provided in Section 6.4 of this By-law, no **kennel** may be established except where it is permitted under the **Municipality's** zoning by-law.
- 6.6. No **kennel** with an outside area of confinement for **dogs** shall be constructed or located within 10 metres 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 metres of any property boundary line.
- 6.7. All **kennels** may be subject to inspection by an **Officer** for the **Municipality** if it is warranted and where, in his/her opinion, a **kennel** deviates from the minimum standards established by the **Poundkeeper** from time to time and published on the municipal website, the **Poundkeeper** of the **Municipality** shall be at liberty to revoke the licence herein granted until such time as the **Poundkeeper** is notified by the **Officer** that the **kennel** complies with these standards. The **owner** of the **kennel** shall have a right to appeal to the By-law Appeal Committee, in accordance with the process provided for under By-law #22-2015 of the **Municipality** of Chatham-Kent, or successor by-laws.
- 6.8. Every **owner** of a **kennel** shall keep their own tags on each **dog** bearing the **kennel** licence number unless the **dog** already has an existing valid municipal dog tag or has permanent identification by tattoo or microchip.

## 7. Animals at Large, Animal Keeping Standards etc.

- 7.1. For the purposes of section 7.3 "**animal**" includes **livestock**;
- 7.2. For the purposes of section 7.3 "**premises**" does not include any part of:
  - a) non-residential or residential **premises** that serve as common areas for occupiers or owners; or
  - b) non-residential **premises** that are open to the public.
- 7.3. No **owner** of a **dog** or other **animal**, other than a **cat**, shall permit the **animal** to be **at large**, except when the **animal** is:

- a) on **premises** owned or occupied by the **owner**; or
  - b) on **premises** owned or occupied by a person who has given prior consent.
- 7.4. Despite section 7.3 a **dog**, except a **restricted pit bull** or a **dog** designated as potentially dangerous or dangerous, may be unleashed if:
- a) the **dog** is under the control of the **owner** or a competent person on the **owner's** behalf and both the **dog** and the person are within a municipally owned Dog Off Leash Recreation Area as signed accordingly; and
  - b) the **owner** or the competent person on the **owner's** behalf complies with the **Municipality's** Dog Off Leash Recreation Area Rules and Regulations, as amended or replaced from time to time and posted on the municipal web-site and in the designated parks.
- 7.5. Despite section 7.3 a **dog**, except a **restricted pit bull** or a **dog** designated as potentially dangerous or dangerous, is deemed not to be **at large** if it is lawfully being used for hunting;
- 7.6. No **owner** of a **dog** shall permit the **dog** to be outdoors on **premises** as described under subsections 7.3 a) and 7.3 b) except where the **dog** is:
- a) contained in an enclosure or fenced area, including an area enclosed by electronic fencing known as invisible fencing;
  - b) restrained by a **tether**; or
  - c) **under the control of some person**, sufficient to prevent the **dog** from leaving the **premises**.
- 7.7. Despite section 7.6 a **dog** may be outdoors on **premises** zoned agricultural under the **Municipality's** zoning by-law or on **premises** 0.5 hectare (1.2 acre) or more in area if the **dog** is sufficiently trained so as to remain on the **premises**.
- 7.8. No **owner** of a **dog** shall permit the **dog** to:
- a) behave in a manner that poses a menace to the safety of a person or domestic **animal**; or
  - b) to **bite** or attack a person or domestic **animal**.
- 7.9. No **owner** of a **dog** shall **keep** the **dog** from dusk to dawn on **premises** that are not used primarily for residential purposes unless clearly visible signs are posted sufficient to give notice of the **dog** to persons entering the **premises**.
- 7.10. Every **owner** of an **animal** shall ensure that the place where the **animal** is **kept** is such that:
- a) the **animal** may extend its legs, wings or body to their full natural extent;
  - b) the **animal** may stand, sit or perch, or the place is otherwise adequate for the needs of the **animal**;
  - c) the **animal** may be readily observed, unless the natural habits of the **animal** require otherwise; and
  - d) the place is in a clean and sanitary condition.
- 7.11. In addition to complying with section 7.10 every **owner** of an **animal** shall ensure that any structure located in a yard where the **animal** is **kept** is:



- a) in the rear yard;
- b) located not less than 1 metre from the boundary line between the **owner's premises** and any abutting **premises**;
- c) soundly constructed of hard, durable materials;
- d) impervious to water;
- e) constructed of materials that may be readily sanitized;
- f) maintained in a good state of repair free from cracks, holes, rust and other damage; and
- g) kept in a way that minimizes as nearly as practicable the transfer of pathogenic agents; and
- h) adequately ventilated for the health and comfort of the **animal** enclosed.

## 8. Removal of Excrement by Dog

- 8.1. Every **owner** of a **dog** shall remove forthwith and sanitarily dispose of excrement left by the **dog** anywhere in the **Municipality**.

## 9. Tethers

- 9.1. No person shall **keep** an **animal** on a **tether** unless:
- a) The **tether** is of appropriate length for the species **tethered**;
  - b) The **animal** has unrestricted movement within the range of such **tether**;
  - c) The **animal** is not **tethered** for longer than nine hours in a 24 hour period;
  - d) The **animal** has access to water, food and shelter while **tethered**; and
  - e) The **animal** cannot injure itself as a result of the tethering
  - f) In the case of **dogs**, the **tether** is a minimum of three metres in length, provided the **tether** does not permit the **dog** to go beyond the limits of the **dog** owner's property
  - g) The **animal** is not **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 an **animal's** neck.

## 10. Responsibilities of Animal Owners and the Public

- 10.1. No person shall:
- a) tease, torment, annoy, or abuse any **animal**; or
  - b) untie, loosen or otherwise free any **animal** which is not in distress unless such person has the authorization of the **owner**.

## 11. Extreme Weather

- 11.1. No person shall allow an **animal** to remain outdoors during **extreme weather**, except for brief walks or brief periods of exercise, unless the **animal** has access to an **animal** enclosure that will adequately protect the **animal** from the elements.

## 12. Abandonment or Disposal of Animals and/or Litters of Animals

12.1. No person shall **abandon** or **dispose** of a live **animal** and/or litters of live **animals** on any private and other property, including public property, within the **Municipality** without the written permission of the **property owner**.

### 12.2. Reporting the Abandonment or Disposal of Animals and/or Litters of Animals

- a) The prohibited **abandonment** or **disposal** of live **animals** and/or **litters of animals** should be reported to the **Poundkeeper** during regular business hours;
- b) Information to be reported to the **Poundkeeper** by the **property owner** should include, at a minimum, the following:
  - i. Date and time of the **abandonment** or disposal;
  - ii. The licence plate number of the **vehicle** responsible for **abandoning** or **disposing** of the live **animal(s)** and/or **litters of animals**; and
  - iii. A description of the **vehicle** responsible for **abandoning** or **disposing** of the live **animal(s)** and/or **litters of animals**, which may include information on the make, model or colour of the **vehicle**.

## 13. Animals in Vehicles

13.1. The **owner** of an **animal** shall not leave an **animal** unattended in a motor **vehicle** if the weather conditions are not suitable for containment of an **animal**.

13.2. An **Officer** who has reasonable grounds to believe that an **animal** left unattended in a motor **vehicle** is in imminent physical danger may take steps to remove the **animal** from the **vehicle**. The **Officer**, the **Municipality** or Chatham-Kent Police Service Board shall not be held liable for any resulting damages, loss or claims arising therefrom.

## 14. Designating Dogs as Potentially Dangerous or Dangerous

14.1. Where an **Officer** is satisfied that, in the absence of any **mitigating factor**, a **dog** has approached a person or domestic **animal** in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling, the **Officer** may issue a designation in writing to the **owner** designating the **dog** as potentially dangerous.

14.2. Where an **Officer** is satisfied that a **dog**:

- a) has, in the absence of any **mitigating factor**, attacked, **bitten** or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- b) has, in the absence of a **mitigating factor**, significantly injured or killed a domestic **animal**; or
- c) having been previously designated as potentially dangerous, is **kept** or permitted to be **kept** in violation of the requirements for a potentially dangerous **dog**,

the **Officer** may issue a designation in writing to the **owner** designating the **dog** as dangerous.

14.3. No **owner** of a **dog** designated as potentially dangerous or dangerous shall transfer **ownership** of the **dog** without first having obtained the written consent of the **Poundkeeper**. In granting or refusing consent, the **Poundkeeper** shall consider the likelihood that all the applicable provisions of this By-law and the *Dog Owners' Liability Act*, including any orders under that Act, will be met.

14.4. In addition to complying with all of the applicable provisions of this By-law, every **owner** of a **dog** designated as dangerous shall ensure that:

- a) the dangerous **dog** licence fee be paid as set out in the **Municipality's** User Fee By-law;
- b) the **dog** is implanted with a **microchip**; and
- c) the **dog** is **sterilized** before reaching the age of six months or within 30 days of being designated.
- d) when not on **premises** owned or occupied by the **owner**, the **dog** is equipped with a **muzzle** and secured with a leash not exceeding one metre in length in accordance with the following:
  - i. a **muzzle** shall be securely placed over the mouth of the **dog** at all times so that the **dog** cannot **bite** any person or domestic **animal**;
  - ii. a collar or harness shall be securely placed on the **dog** at all times so that the **dog** cannot detach the collar or harness;
  - iii. a leash shall be securely attached to a collar or harness at all times so that the **dog** cannot detach the leash from the collar or harness; and
  - iv. the **dog** shall be **under the control of some person** by means of the leash at all times; and
- e) when the **dog** is on **premises** owned or occupied by the **owner**, the **dog** is:
  - i. securely contained indoors; or
  - ii. (1) where a **dog** designated as potentially dangerous is outdoors, contained in an enclosure or fenced area or restrained by a chain or other restraint sufficient to prevent the **dog** from leaving the **premises**; and  
(2) where a **dog** designated as dangerous is outdoors, contained in a six-sided pen which includes a top and bottom and which is located at least 2 metres from any property line or in a yard enclosed by a fence that is at least 2 metres in height, is securely locked and is constructed so as to prevent the **dog** from leaving the yard.
- f) 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**, is maintained. The **owner** shall annually provide the **Poundkeeper** with a certificate of insurance evidencing the liability insurance required under this section. This policy shall provide for the **Municipality** being notified by the insurance company of any cancellation, termination or expiration of the policy.

- 14.5. The **Poundkeeper** or **Officer** may impose any one or more of the conditions under subsection 14.4 in relation to a potentially dangerous **dog**.
- 14.6. Every **owner** of a **dog** designated as potentially dangerous or dangerous shall:
- a) provide proof, on demand, satisfactory to an **Officer**, that the **dog** has been implanted with a **microchip** or **sterilized** or both;
  - b) post in a conspicuous place at the entrance to the **owner's premises** a clearly visible sign warning of the presence of a potentially dangerous or dangerous **dog**; and
  - c) provide proof of current rabies vaccination to an **Officer**.
- 14.7. The **owner** of a **dog** which has been designated as potentially dangerous or dangerous and who wishes to appeal the order or decision may request a hearing by the By-law Appeal Committee, in accordance with the process provided for under By-law #22-2015 of the **Municipality** of Chatham-Kent, or successor by-laws.
- 14.8. Despite subsections 14.4 b) and 14.4 c) the **owner** of a **dog** who has requested a hearing in compliance with the Rules and Procedures of the By-law Appeal Committee shall not be required to have their **dog** implanted with a **microchip** or **sterilized** until 30 days after a decision of the Committee confirming these requirements.

## 15. Prohibited Animals

15.1. No person shall **keep animals** belonging to the following orders or genus:

**Anseriformes** (e.g. ducks, geese, swans and screamers), except located on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use;

**Artiodactyla** (e.g. cattle, goats, sheep, pigs, deer, elk, alpacas, llamas and North American Bison), except located on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use;

**Carnivora** (e.g. otters, wolves, bears, coyotes, foxes, tigers, leopards, cougars, lions, lynx, mink, skunks, weasels, badgers, mongooses and racoons), except **dogs**, **cats** and ferrets and except minks located on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use;

**Chiroptera** (e.g. bats, myotis and flying foxes);

**Crocodylia** (e.g. alligators, crocodiles, gavials and caimans);

**Galliformes** (e.g. pheasants, grouse, guinea fowls, quail, turkeys, chickens and peafowls); except button quail or except Galliformes located on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use;

**Lagomorpha** (e.g. hares and pikas), except domestic rabbits and except hares located on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use;

**Marsupialia** (e.g. koalas, kangaroos, opossums and wallabies) except sugar gliders;

**Macrochelys** (e.g. alligator snapping turtle);

**Perissodactyla** (e.g. horses, donkeys, jackasses, mules, zebras, ponies, rhinoceros), except horses, donkeys, jackasses, mules, and ponies located on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use;

**Pholidota** (e.g. pangolia);

**Primates** (e.g. chimpanzees, gorillas, monkeys and lemurs);

**Proboscidea** (e.g. elephants);

**Raptors** (e.g. eagles, hawks, falcons and owls), except as permitted under a provincial falconry licence;

**Rodentia** (e.g. porcupines, prairie dogs, nutria and chinchillas) except rodents which do not exceed 1,500 grams (3 lb) and are derived from self-sustaining captive populations;

**Squamata** (e.g. lizards and snakes) except:

- a) snakes where neither the female nor the male of species exceeds or will exceed three (3) metres in length from nose to tip of tail before or at maturity; and
- b) lizards (not including Iguana iguana) where neither the female nor the male of the species exceeds or will exceed two(2) metre in length from nose to tip of tail before or at maturity;

**Struthioniformes** (e.g. ostriches, rheas, cassowaries, emus and kiwis), except ostriches, emus or kiwis located on **premises** zoned agricultural under the **Municipality's** zoning by-law permitting such use;

**Tubulidentata** (e.g. aardvark); or

**Xenarthra** (e.g. anteaters, tree sloths, and armadillos).

15.2. No person shall **keep** or permit to be **kept** an **animal** that produces any poison, venom or toxin while in captivity that may cause harm to human health.

15.3. Despite sections 15.1 and 15.2 a provincially authorized wildlife custodian may **keep** an **animal** prohibited under this By-law in accordance with the authorization.

15.4. No person shall **keep** or permit to be **kept** any insect, spider or squamata permitted under this By-law except in an escape-proof enclosure.

15.5. No person shall **keep** or permit to be **kept** any lagomorph, marsupial or rodent permitted under this By-law except in a suitable enclosure.

15.6. No person shall have a **squamata** (e.g. lizards and snakes) in a public place or on public property.

15.7. Notwithstanding this section 15, a person is permitted to **keep** an **animal** which is prohibited under this section if it is a "service animal" as defined under O.Reg 429/07 of the *Accessibility for Ontarians with Disabilities Act, 2005*.

## 16. Impounding Animals

16.1. The **Poundkeeper** or an **Officer** may seize any **animal** found **at large** and deliver it to the **pound**.

16.2. An **animal** seized under section 16.1 shall be considered impounded at the time and place it is seized by the **Poundkeeper** or an **Officer**.

16.3. The **Poundkeeper** may impound, at the **pound**, any **dog** or **cat** delivered to the **pound** by the **Poundkeeper**, an **Officer** or its **owner**.

16.4. The **Poundkeeper** may impound, at any enclosed place, any **animal** other than a **dog** or **cat** delivered to the **pound** by the **Poundkeeper**, an **Officer** or its **owner**.

## Dogs and Cats

16.5. The **Poundkeeper** shall **keep** any impounded **dog** or **cat** for a **redemption period** of three days, excluding:

- a) the day on which the **dog** or **cat** is impounded;
- b) statutory holidays; and
- c) days on which the **pound** is not open.

16.6. During the **redemption period**, the **Poundkeeper**:

- a) may vaccinate the impounded **dog** or **cat** to provide immunization against distemper or any other contagious or infectious disease;
- b) shall provide such veterinary care of an injured or ill impounded **dog** or **cat** as may be necessary to sustain its life.

- 16.7. Despite section 16.6 during the **redemption period**, the **Poundkeeper** may euthanize a **dog** or **cat** without delay where, in the opinion of the **Poundkeeper**, this is warranted for humane reasons.
- 16.8. The **Poundkeeper** shall be entitled to recover from the **owner** of the **dog** or **cat** the cost of vaccinating or providing veterinary care during the **redemption period** in addition to any other applicable fees for the redemption of the **dog** or **cat**.
- 16.9. During the **redemption period**, the **owner** of an impounded **dog** or **cat** may redeem it if the **owner**:
- a) pays the applicable fees for redemption of the **dog** or **cat**;
  - b) provides evidence satisfactory to the **Poundkeeper** that they **own** the **dog** or **cat**;
  - c) provides evidence satisfactory to the **Poundkeeper** that the **dog** is licensed under this By-law or, if not, licensed the **dog** in accordance with this By-law; and
  - d) if an impounded **dog** is designated as potentially dangerous or dangerous, satisfies the **Poundkeeper** that they are aware of and in compliance with requirements for **keeping** the **dog**.
- 16.10. After the expiration of the **redemption period**, the **Poundkeeper** may:
- a) release the impounded **dog** or **cat** to its **owner** in accordance with section 16.9; or
  - b) **keep**, sell or dispose of, including euthanize, the **dog** or **cat**, subject to applicable provisions of the *Animals for Research Act*.

#### **Animals other than Dogs and Cats**

- 16.11. For the purposes of sections 16.12 to 16.16 “**animal**” means an **animal** other than a **dog**, a **cat** or an **animal** that is prohibited under section 15.1 or 15.2.
- 16.12. Where an **animal** is impounded, the **Poundkeeper** shall **keep** the impounded **animal** for a **redemption period** of three days, excluding:
- a) the day on which the **animal** is impounded;
  - b) statutory holidays; and
  - c) days on which the **pound** is not open.
- 16.13. Despite section 16.12 during the **redemption period**, the **Poundkeeper** may euthanize an **animal** without delay where, in the opinion of the **Poundkeeper**, this is warranted for humane reasons.
- 16.14. During the **redemption period**, the **Poundkeeper** may:
- a) vaccinate the impounded **animal** to provide immunization against any contagious or infectious disease;
  - b) provide veterinary care for an injured or ill impounded **animal**;
  - c) release the impounded **animal** to its **owner**, if the **owner**:
    - i. provides evidence satisfactory to the **Poundkeeper** that they **own** the **animal**; and
    - ii. pays the applicable fees.

16.15. The **Poundkeeper** shall be entitled to recover from the **owner** of the **animal** the cost of vaccinating or providing veterinary care during the **redemption period** in addition to any other applicable fees for the redemption of the **animal**.

16.16. After the expiration of the **redemption period**, the **Poundkeeper** may **keep**, sell or dispose of, including euthanize, the impounded **animal**.

### **Prohibited Animals**

16.17. Where an **animal** that is prohibited under sections 15.1 or 15.2 is impounded, the **Poundkeeper** may, at any time, **keep**, sell or dispose of, including euthanize, the impounded **animal**.

16.18. The **owner** of an **animal** is liable to pay the applicable fees for impounding an **animal** regardless of whether or not they claim the **animal** from the **pound**.

16.19. Where an **animal** cannot be seized and where the safety of persons or **animals** is endangered, the **Poundkeeper** or an **Officer** may euthanize the **animal** immediately.

16.20. No compensation, damages, fees or any other amount of money on account of or by reason of the seizure, impounding, euthanizing, sale or disposal of an **animal** shall be recovered by the **owner** or paid by the **Poundkeeper** or the **Municipality**.

### **17. Administration and Enforcement**

17.1. The **Poundkeeper** is authorized to administer and enforce this By-law including but not limited to:

- a) arranging for:
  - i. the assistance or work of **Municipality** staff, **Municipality** agents or the assistance of **Officers**;
  - ii. the making of designations, orders or other requirements and the imposition of conditions as authorized under this By-law;
  - iii. the obtaining of court orders or warrants as may be required; or
  - iv. the commencement of such actions on behalf of the **Municipality** to recover costs or restrain contravention of this By-law as deemed necessary; or
- b) prescribing the format and content of any forms or other documents required under this By-law.

17.2. The **Poundkeeper** may assign **Officers** to enforce this By-law and **Officers** so assigned or appointed by **Council** to enforce this By-law shall have the authority to:

- a) carry out inspections;
- b) make designations, orders or other requirements and impose conditions as authorized under this By-law;
- c) give immediate effect to any order or other requirement made under sections 17.7, 17.8 or 17.10.



- 17.3. The **Poundkeeper** may assign duties or delegate tasks under this By-law to be carried out in the **Poundkeeper's** absence or otherwise.
- 17.4. Licence fees and other fees under this By-law, including fees for services provided by the **Poundkeeper**, shall be as set and approved by **Council** from time to time in the **Municipality's** User Fee By-law or any successor by-law related to fees.
- 17.5. The **Poundkeeper** is authorized to:
- a) receive **animals** pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the **Poundkeeper** deems appropriate;
  - b) temporarily **keep** such **animals** for a maximum of five (5) day;
  - c) charge the **owner** the current per diem sheltering fee and all costs for required veterinary medical care, when the **animals** are redeemed; and
  - d) at the end of the five (5) day protective care period, unless other arrangements are agreed to between the **owner** and the **Municipality**, treat such **animals** as day-one impounded **animals**.
- 17.6. The **Poundkeeper** or an **Officer** may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) this By-law;
  - b) a designation, order or other requirement made under this By-law, including a designation of a **dog** as potentially dangerous or dangerous;
  - c) a condition of a licence issued under this By-law; or
  - d) an order made under section 431 of the *Municipal Act, 2001*.
- 17.7. The **Poundkeeper** or an **Officer**, for the purposes of the inspection under section 17.6 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:
- a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) require information in writing or otherwise as required by the **Poundkeeper** or an **Officer** from any person concerning a matter related to the inspection; or
  - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 17.8. The **Poundkeeper** may require an **owner** to pay any costs incurred by the **Municipality** in exercising its authority to inspect under section 17.7, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection.
- 17.9. The **Poundkeeper** or an **Officer** may undertake an inspection pursuant to an order issued by a provincial Judge or Justice of the Peace under section 438 of the *Municipal Act, 2001* where he or she has been prevented or is likely to be

prevented from carrying out an inspection under sections 17.6 and 17.7, if, in the case of an order authorizing an inspection of a room or place actually being used as a dwelling, the occupier is given notice concerning the inspection in accordance with subsection 438(5) of the *Municipal Act, 2001*.

17.10. If an **Officer** is satisfied that a contravention of this By-law has occurred, he or she 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 **premises** on which the contravention occurred to discontinue the contravening activity.

17.11. An order under section 17.10 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the **premises** on which the contravention occurred; and
- b) the date or dates by which there must be compliance with the order.

17.12. If an **Officer** is satisfied that a contravention of this By-law has occurred, he or she 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 **premises** on which the contravention occurred to do work to correct the contravention.

17.13. An order under section 17.12 shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the **premises** on which the contravention occurred;
- b) the work to be completed; and
- c) the date or dates by which the work must be complete.

17.14. An order to discontinue contravening activity made under section 17.10 or an order to do work made under section 17.12 may be served personally or by registered mail to the last known address of:

- a) the **owner** of the **animal**; and
- b) such other persons affected by it, including the **owner** or occupier of the **premises** where the contravention occurred, as the **Officer** making the order determines.

Service by registered mail shall be deemed to have taken place five business days after the date of mailing.

17.15. In addition to service given in accordance with section 17.14 an order to discontinue contravening activity made under section 17.10 or an order to do work made under section 17.12 may be served by an **Officer** placing a placard containing the order in a conspicuous place on the **premises** of the **owner** responsible for the contravention.

17.16. Where service cannot be given in accordance with section 17.14, sufficient service is deemed to have taken place when given in accordance with section 17.15.

17.17. Where a person does not comply with a designation, order or other requirement made under this By-law to do a matter or thing, the **Poundkeeper**, with such

assistance by others as may be required, may carry out such designation, order or other requirement at the person's expense.

- 17.18. The **Municipality** may recover the costs of doing a matter or thing under section 17.17 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate of 15 per cent commencing on the day the **Municipality** incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 17.19. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.
- 17.20. (1) Every person who fails to comply with any provision of this By-law or a designation, order or other requirement made under this By-law, or an officer or director of a corporation who knowingly concurs in such a failure to comply by the corporation, is guilty of an offence and is liable:
- a) on a first conviction, to a maximum fine of not more than \$10,000; and
  - b) on any subsequent conviction, to a maximum fine of not more than \$25,000.
- (2) Despite subsection 17.20(1), where the person convicted is a corporation:
- a) the maximum fine in paragraph 17.20(1)a) is \$50,000; and
  - b) the maximum fine in paragraph 17.20(1)b) is \$100,000.
- 17.21. Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

## 18. General Provisions

- 18.1. This By-law may be referred to as Chatham-Kent's Responsible Animal Ownership By-law or the Responsible Animal Ownership By-law.
- 18.2. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of **Council** that the remainder of the By-law shall continue to be in force.

## 19. Repeals, Amendments, Transition and Enactment

- 19.1. By-laws 176-2005 and 169-2013 shall be repealed on the date this By-law comes into force and effect.
- 19.2. Despite the repeal of By-laws under section 19.1:
- a) the By-law shall continue to apply to proceedings in respect of offences that occurred before its repeal; and
  - b) all licences issued under the By-law that are in effect at the time of the repeal shall be deemed to be licences as issued under this By-law, with all necessary modifications, and all the rules, requirements and regulations of this By-law shall apply.
- 19.3. This By-law shall come into effect upon the final passing thereof, save for section 5.2, 15.1 and 15.2 which shall be effective one year from the date of passing of this By-law.

Read a First, Second and Third Time this 13<sup>th</sup> day of July, 2015.

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Mayor – Randy Hope

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Clerk – Judy Smith