

# THE CORPORATION OF THE TOWN OF TECUMSEH

## DOG LICENSING AND CONTROL BY-LAW

### BY-LAW 2003 -91

A By-law to provide for the regulation, restriction and prohibition of the keeping and the Running At Large of Dogs in the Town of Tecumseh

#### BY-LAW INDEX

- PART I DEFINITIONS**
- 1.1 Dog Controller
  - 1.2 Town
  - 1.3 Dangerous Dog
  - 1.4 Dog
  - 1.5 Dwelling Unit
  - 1.6 Guard Dog
  - 1.7 Kennel
  - 1.8 Licence Issuer
  - 1.9 Mitigating Factor
  - 1.10 Owner
  - 1.11 Pet Shop
  - 1.12 Pet Shop Keeper
  - 1.13 Potentially Dangerous Dog
  - 1.14 Poundkeeper-
  - 1.15 Premises
  - 1.16 Running At Large
  - 1.17 Treasurer
- PART II EXEMPTIONS**
- 2.1 Animal hospital - clinic - Kennel - registered
  - 2.2 The Humane Society Inc.
  - 2.3 Public pound
  - 2.4 Pet Shop
  - 2.5 Zoos - fairs - exhibitions - circuses -- authorized
  - 2.6 Research facility -- registered
- PART III PROHIBITED MATTERS**
- 3.1 Keeping - more than 3- per Premises - prohibited
  - 3.2 Kennel - operation - without licence - prohibited
  - 3.3 Running At Large - prohibited
  - 3.4 Unregistered - unlicensed - prohibited
  - 3.5 Licence - failure to renew - annually - prohibited
  - 3.6 Tag - removal - unlawful - prohibited
  - 3.7 Tag - lost - failure to replace - prohibited
  - 3.8 Tag - not securely affixed to Dog - prohibited
  - 3.9 Private property - entry - without consent - prohibited
  - 3.10 Excrement - failure to remove - dispose - prohibited
  - 3.11 Forcible retrieval of Dog - prohibited
  - 3.12 Leash - over 2 metres - prohibited
  - 3.13 Ownership - change in - failure to notify - prohibited
  - 3.14 Forcible retrieval of Dog from Poundkeeper - prohibited
  - 3.15 Forcible retrieval of Dog from Poundkeeper - failure to pay- prohibited
  - 3.16 Kennel Owner -- not submit list of purchasers - prohibited
  - 3.17 Pet Shop Keeper -- not submit list of purchasers - prohibited
  - 3.18 Sale of puppy -- not notify Licence Issuer - prohibited
  - 3.19 Not leash Dog -- off Owner's land - prohibited
  - 3.20 Not provide care - Dog - prohibited
  - 3.21 Not provide enclosure - out of door dog - prohibited
  - 3.22 Not confine -- female dog -- in heat - prohibited
  - 3.23 Dog restraining device -- exceed length - prohibited
  - 3.24 Dwelling -- use -- kennel- prohibited
  - 3.25 Not quarantine -- rabies - prohibited
- PART IV KEEPING OF DOGS**
- 4.1 Maximum -3 per Premises
  - 4.2 More than 3 Dogs per Premises - annexed area
  - 4.3 Puppies - number - not limited - 90 days following birth
  - 4.4 Kennels - registered - number Dogs - not limited
  - 4.5 Guard Dogs - industrial - commercial Premises
  - 4.6 Leash - required - land other than Owner's - exception
  - 4.7 Leash - maximum length -2 metres
  - 4.8 Excrement - removal - disposal - sanitary - immediate
  - 4.9 Trespassing - without consent - by Dog - prohibi
  - 4.10 Running At Large -- prohibited

- 4.11 Provide – Dog - good health
- 4.12 Out of door dog – weather proof enclosure
- 4.13 Confine – female unspayed Dog
- 4.14 Tethered Dog – length - restraining device

PART V LICENSING

- 5.1 Licensing agent - appointment - authorized
- 5.2 Registration - information - requirements
- 5.3 Application - forthwith - upon Ownership
- 5.4 Application - licence - description - fee
- 5.5 Expiry - annual - December31
- 5.6 Notice - to Licence Issuer - death - change of Ownership
- 5.7 Transfer - of licence - conditions
- 5.8 Tag - serial number - issued - upon payment fee
- 5.9 Tag - affix - securely - to Dog - at all times
- 5.10 Tag - removal - while hunting - lawful
- 5.11 Tag - replacement - where lost
- 5.12 Tag - replacement - proof of payment - plus fee
- 5.13 Pet Shops - purchasers - Dogs - names - addresses - to agent
- 5.14 Notice - to Licence Issuer - sale of puppy

PART VI KENNELS

- 6.1 Application - registered Kennel licence
- 6.2 Application - information - requirements
- 6.3 Purchasers - Dogs - names - addresses - to agent
- 6.4 Dwelling Unit – not use as Kennel

Part VII FEES

- 7.1 Fees - set out - Schedule ~A”
- 7.2 Guide Dogs – deaf persons – exempted
- 7.3 Guide Dogs - blind persons – exempted
- 7.4 Pound fees - payment - proof of Ownership – required
- 7.5 Fees - unpaid - recovery - method

PART VIII IMPOUNDING

- 8.1 Seizure - Dog - Running At Large
- 8.2 Seizure - delivery - to Poundkeeper
- 8.3 Seizure - impounding
- 8.4 Capture - any Dog - Running At Large - return to Owner
- 8.5 Entry - upon land - Dog Controller
- 8.6 Female - in heat - at large - impounding - up to 21 days
- 8.7 Female - in heat - not released - exception
- 8.8 Claim - within 3 days - release
- 8.9 Owner - to claim Dog - before disposal
- 8.10 Disposal - Dog - not claimed - Poundkeeper - discretion
- 8.11 Euthanasia - for humane - safety reasons
- 8.12 Euthanasia - dangerous Dog - Running At Large
- 8.13 Veterinary services - required - payable by Owner
- 8.14 Compensation - to Owner - prohibited
- 8.15 Retrieval - forcibly - from Poundkeeper – prohibited
- 8.16 Rabies – quarantine – Medical Officer of Health
- 8.17 Quarantine – expense of Owner

PART IX DANGEROUS DOGS

- 9.1 Dog-deemed Dangerous – Potentially Dangerous
- 9.2 Notice – Dangerous Dog – Potentially Dangerous Dog
- 9.3 Hearing – by Council – Dog deemed Dangerous – Potentially Dangerous
- 9.4 Council Decision – Dangerous – Potentially Dangerous
- 9.5 Confinement of Dangerous Dog – effective
- 9.6 Notice in change of Address – ownership – Dangerous/Potentially Dangerous Dog
- 9.7 How Notice given

PART X ENFORCEMENT

- 10.1 Fine - for contravention
- 10.2 Continuation - repetition - prohibited - by order
- 10.3 Severability of provisions

PART XI REPEAL – ENACTMENT

- 11.1 By-laws - previous
- 11.2 Dog Licence - previous - valid - upon expiry
- 11.3 Effective date

SCHEDULE “A” - LICENCE FEES

SCHEDULE “B” - IMPOUNDMENT FEES AND CHARGES

# THE CORPORATION OF THE TOWN OF TECUMSEH

## BY-LAW 2003 -91

A By-law to provide for the regulation, restriction and prohibition of the keeping and the Running At Large of Dogs in the Town of Tecumseh.

**WHEREAS** Sections 11 (1)9, 103 and 105 of the Municipal Act 2001, S.O. 2001, c. 25, provides that by-laws may be passed by councils of municipalities for prohibiting or regulating the keeping of animals; for regulating establishments for the breeding or boarding of animals or any class thereof; for determining the compensation for impounding animals; for requiring an owner of a dog to keep the dog leashed; for requiring an owner of a dog to remove forthwith excrement; for licensing and regulating and requiring the registration of dogs; and for prohibiting the running at large of dogs.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF TECUMSEH ENACTS AS FOLLOWS:**

### PART I DEFINITIONS

- 1.0 In this by-law:
- 1.1 "Dog Controller" shall mean a person appointed or employed by the Town for the purpose of enforcing the provisions of this by-law.
- 1.2 "Town" shall mean The Corporation of the Town of Tecumseh.
- 1.3 "Dangerous Dog" means a Dog:
- (1) that, in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
  - (2) that, in the absence of any Mitigating Factor, has significantly injured a domestic animal, or
  - (3) having been previously designated as a Potentially Dangerous Dog, that is kept or permitted to be kept by its Owner in violation of the requirements for such Dog.
- 1.4 "Dog" shall mean any dog, male or female.
- 1.5 "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 all occupants have access to all the habitable areas and facilities of the unit.
- 1.6 "Guard Dog" shall mean a Dog used for security purposes on land legally used for industrial or commercial purposes.
- 1.7 "Kennel" shall mean the Premises, and/or, a building, structure or establishment in which three or more Dogs are housed, boarded or bred.
- 1.8 "Licence Issuer" shall mean the Clerk, or his/her designate, of the Corporation of the Town of Tecumseh.

- 1.9 "Mitigating Factor" means a circumstance which excuses aggressive behavior of a Dog and, without limiting the generality of the foregoing, may include circumstances where the Dog was, at the time of the aggressive behavior:
- (1) acting in defense of an attack by a person or domestic animal;
  - (2) acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its Owner; or
  - (3) being teased, provoked or tormented.
- 1.10 "Owner" includes a person who keeps, possesses or harbours a Dog and where the Owner is a minor the person responsible for the custody of the minor, and where two or more Dogs are kept on the same Premises, they shall, for the purposes of this By-law, be deemed to be Owned by the same person, and Own and Owned have a corresponding meaning.
- 1.11 "Pet Shop" shall mean an establishment engaged in the retail sale of animals.
- 1.12 "Pet Shop Keeper" shall mean a person who has the charge, care or Ownership of a Pet Shop.
- 1.13 "Potentially Dangerous Dog" means a Dog that:
- (1) in the absence of any Mitigating Factor, chases or approaches any person or domestic animal, anywhere other than on the property of the Owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling; or
  - (2) has been impounded by the Dog Controller or for whom the Owner has been convicted on a total of three occasions within a twenty-four (24) month period, for the Dog Running At Large in the municipality.
- 1.14 "Poundkeeper" shall mean the a person appointed by the Joint Dog Pound Committee responsible for the facility and services prescribed by this By-law and all other applicable By-laws.
- 1.15 "Premises" includes the entire lot on which a single dwelling unit building or multi-dwelling unit building is situate but does not include common areas adjacent to a multi-dwelling unit building unless those common areas are completely enclosed.
- 1.16 "Running At Large" shall mean to be found in any place other than the Premises of the Owner of the Dog and not under the physical control of any person by means of a leash held by the said person.
- 1.17 "Treasurer" means the Treasurer of the Corporation of the Town of Tecumseh.

## **PART II EXEMPTIONS**

- 2.1 Animal hospital - clinic - Kennel - registered  
This by-law shall not apply to an animal hospital, clinic or boarding Kennel lawfully operated and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.
- 2.2 The Humane Society Inc.  
This by-law shall not apply to Ontario Society for the Prevention of Cruelty to Animals.
- 2.3 Public Pound  
This by-law shall not apply to a public pound.

- 2.4 Pet Shop  
Except for sections 3.17 and 5.13, this by-law shall not apply to Pet Shops.
- 2.5 Zoos - fairs - exhibitions - circuses - authorized  
This by-law shall not apply to Dogs maintained in a zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.
- 2.6 Research facility - registered  
This by-law shall not apply to Dogs maintained at a research facility registered under the Animals for Research Act.

### **PART III PROHIBITED MATTERS**

- 3.1 Keeping - more than 3 - per Premises - prohibited  
No person shall, within the Town of Tecumseh, keep more than three (3) Dogs in a dwelling unit or on any Premises.
- 3.2 Kennel - operation - without licence - prohibited  
No person shall, within the Town of Tecumseh, operate a Kennel without a licence.
- 3.3 Running At Large - prohibited  
No person shall, within the Town of Tecumseh, fail to prohibit a Dog from Running At Large.
- 3.4 Unregistered - unlicensed - prohibited  
No person shall, within the Town of Tecumseh, fail to register a Dog for a Dog licence.
- 3.5 Licence - failure to renew - annually - prohibited  
No person shall, within the Town of Tecumseh, fail to renew a Dog licence for the current year.
- 3.6 Tag - removal - unlawful - prohibited  
No person shall, within the Town of Tecumseh, unlawfully remove a Dog tag from a licensed Dog .
- 3.7 Tag - lost - failure to replace - prohibited  
No person shall, within the Town of Tecumseh, fail to apply for a replacement Dog tag.
- 3.8 Tag - not securely affixed to Dog - prohibited  
No person shall, within the Town of Tecumseh, fail to fix the tag issued for a Dog securely on the Dog .
- 3.9 Private property - entry - without consent - prohibited  
No person shall, within the Town of Tecumseh, permit a Dog to enter onto private property without the consent of the property Owner.
- 3.10 Excrement - failure to remove - dispose - prohibited  
No person shall, within the Town of Tecumseh, fail to forthwith remove and dispose of Dog excrement from any property within the Town.
- 3.11 Forcible retrieval of Dog - prohibited  
No person shall, within the Town of Tecumseh, forcibly retrieve a Dog from a Dog Controller or a vehicle under a Dog Controller's control.
- 3.12 Leash - over 2 meters - prohibited  
No person shall, within the Town of Tecumseh, have a Dog under control on a leash exceeding 2 metres (6 feet, 6 inches) in length.

- 3.13 Ownership - change in - failure to notify - prohibited  
No person shall, within the Town of Tecumseh, fail to notify the Licence Issuer upon the change in Ownership of a licensed Dog .
- 3.14 Forcible retrieval of Dog from Poundkeeper - prohibited  
No person shall forcibly retrieve a Dog from the Poundkeeper or from the Premises of the Poundkeeper.
- 3.15 Forcible retrieval of Dog from Poundkeeper - failure to pay - prohibited  
No person shall retrieve a Dog from the Poundkeeper or the Premises of the Poundkeeper without payment in full of all fees and charges required to be paid under this by-law.
- 3.16 Kennel Owner - submit list of purchasers  
No person who is the Owner of a Kennel shall fail to submit a monthly list of Dog purchasers in accordance with section 6.3 of this by-law.
- 3.17 Pet Shop Keeper - submit list of purchasers  
No person who is a Pet Shop Keeper shall fail to submit a monthly list of Dog purchasers in accordance with section 5.13 of this by-law.
- 3.18 Sale of puppy - notify Licence Issuer  
No person shall fail to notify the Licence Issuer upon the sale of a puppy of a Dog required to be licensed pursuant to this by-law.
- 3.19 Not leash Dog – off Owner’s land  
No person shall fail to keep a Dog leashed when the Dog is not on the land of the Owner of the Dog.
- 3.20 Provide care - Dog  
No person shall fail to provide a Dog with food, shelter, potable water or exercise.
- 3.21 Provide out of door dog - enclosure  
No person shall fail to provide a Dog, customarily kept out of doors with a structurally sound, weather-proof enclosure with off the ground flooring.
- 3.22 Confine – female dog – in heat  
No person shall fail to confine within a Dwelling Unit or Premises a female unspayed Dog in heat.
- 3.23 Dog restraining device - length  
No person shall tether a Dog on a chain, rope or other similar restraining device of less than 2.0 metres (6 feet 6 inches) or permit the restraining device to extend of the Premises of the Owner.
- 3.24 Dwelling – use - kennel  
No person shall use a Dwelling Unit as a Kennel.
- 3.25 Quarantine - rabies  
No person, on order of the Medical Officer of Health, shall fail to quarantine a Dog, which may have rabies, within a Dwelling Unit or in isolation on the Premises of the Owner a Dog.

#### **PART IV KEEPING OF DOGS**

- 4.1 Maximum - 3 per Premises  
No person shall keep more than 3 Dogs in any one dwelling unit or on any Premises.

- 4.2 More than 3 Dogs per Premises – restructured municipalities  
Any person lawfully keeping more than three (3) Dogs in any dwelling unit or on any Premises upon the passing of this By-law, may continue to do so until the Dog is no longer in the Owner's possession.
- 4.3 Puppies - number - not limited - 60 days following birth  
Notwithstanding section 4.1 of this by-law, puppies may be kept with the mother for a period not exceeding 90 days following birth.
- 4.4 Kennels - registered - number Dogs - not limited  
Section 4.1 of this by-law shall not apply to any person keeping a Kennel of Dogs registered with an association incorporated under the Animal Pedigree Act (Canada).
- 4.5 Guard Dogs - industrial - commercial Premises  
Notwithstanding section 4.1 of this by-law, more than 2 guard Dogs may be licensed for lawfully used industrial or commercial Premises..
- 4.6 Leash - required - land other than Owner's - exception  
Every Owner of a Dog shall keep the Dog leashed and under the control of some person when the Dog is on land other than that of the Owner, unless prior consent is given by the person owning the land on which the Dog is found.
- 4.7 Leash - maximum length - 2 meters  
No leash referred to in section 4.6 of this by-law shall exceed 2.0 metres (6 feet 6 inches) in length.
- 4.8 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 Town, with the exception that this provision shall not apply to any Owner subject to the provisions of Sections 7.2 and 7.3 to this By-law.
- 4.9 Trespassing - without consent - by Dog - prohibited  
No person who has a Dog under his control by means of a leash shall permit the 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.
- 4.10 Running At Large – prohibited  
No Owner of a Dog shall permit the Dog to Run At Large or fail to prohibit the Dog from Running At Large.
- 4.11 Provide – Dog - good health  
Every Owner shall provide the Dog with food, shelter, potable water, exercise and attention required from time to time to keep the Dog in good health.
- 4.12 Out of door dog – weather proof enclosure  
Every Owner shall, where a Dog is customarily kept out of doors, at all times, provide for the Dog's own use a structurally sound, weather-proof enclosure with off the ground flooring.
- 4.13 Confine – female unspayed Dog  
Every Owner of a female unspayed Dog in heat shall keep the Dog confined to the Dwelling Unit or Premises so as not to attract other Dogs.
- 4.14 Tethered Dog – length – restraining device  
No Owner shall tether a Dog on a chain, rope or similar restraining device of less than 2.0 metres in length on the Premises, nor longer so as to extend off the Premises of the Owner.

**PART V LICENSING**

- 5.1 Licensing agent - appointed - authorized  
The Clerk is appointed and authorized to act as the Licence Issuer for the Town and every such licence shall be executed on behalf of the Town.
- 5.2 Registration - information - requirements  
The Licence Issuer shall keep a record showing the following Dog licence registration information:
- (a) name and address of Owner;
  - (b) serial number of tag;
  - (c) date of registration;
  - (d) description of Dog ;
  - (e) amount of fee paid upon registration.
- 5.3 Application - forthwith - upon Ownership  
All Owners shall make application to the Licence Issuer forthwith upon commencing Ownership of the Dog .
- 5.4 Application - licence - description - fee  
Every application shall be accompanied by the following:
- (a) description of Dog including name, breed, colour, sex, age and weight;
  - (b) the purpose of the Dog;
  - (c) whether the Dog has been neutered;
  - (d) the temperament of the Dog;
  - (e) the name of the Owner, and his or her address and telephone number;
  - (f) applicable fee.
- 5.5 Expiry and Renewal - annual - December 31  
Every licence issued by the Licence Issuer, or his/her designate, shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly on or before thirty-first day of March of the year in which it is issuable.
- 5.6 Notice - to Licence Issuer - death - change of Ownership  
Every holder of a licence issued pursuant to this by-law shall notify the Licence Issuer forthwith upon the death or change of Ownership of a Dog so licensed.
- 5.7 Transfer - of licence - conditions  
Every licence issued by the Licence Issuer may be transferred after such notification 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 licensed Dog;
  - (c) transfer of current year Dog licence from any municipality.
- 5.8 Tag - serial number - issued - upon payment of fee  
Upon payment of the applicable fee, the Owner shall be furnished with a Dog tag bearing the serial number, the year for which it was issued and the words "Town of Tecumseh".



- 5.9 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.
- 5.10 Tag - removal - while hunting - lawful  
The tag may be removed while the Dog is being lawfully used for hunting in the bush.
- 5.11 Tag - replacement - where lost  
Where a tag has been lost, an application shall be made to the Licence Issuer for a replacement tag.
- 5.12 Tag - replacement - proof of payment - plus fee  
The application shall be accompanied by proof that the current year's licence fee has been paid and payment of the applicable replacement tag fee.
- 5.13 Pet Shops - purchasers - Dogs - names - addresses - to agent  
Every Pet Shop Keeper shall submit on a monthly basis, to the Licence Issuer, the names and addresses of Town residents who have purchased Dogs from the Pet Shop.
- 5.14 Notice - to Licence Issuer - sale of puppy  
Every person selling a puppy of a Dog that is required to be licensed pursuant to this by-law, shall notify the Licence Issuer upon the sale of the puppy providing the name and address of any purchaser who is a Town resident.

## **PART VI KENNELS**

- 6.1 Application - registered Kennel licence  
All persons operating a Kennel of Dogs that are registered or are eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) shall make application to the Licence Issuer for a Kennel licence.
- 6.2 Application - Information - requirements  
All such applications shall be accompanied by the following information:
- (a) name and address of Kennel Owner;
  - (b) location of Kennel;
  - (c) proof of zoning approval for said location;
  - (d) approval of the Building Department and Dog Controller regarding the adequacy of the facility;
  - (e) applicable fee.
- 6.3 Purchasers - Dogs - names - addresses - to agent  
Every Kennel Owner shall submit on a monthly basis, to the Licence Issuer, the names and addresses of Town residents who have purchased Dogs from the said Kennel .
- 6.4 Dwelling - not use as Kennel  
No Dwelling Unit shall be used as a Kennel .

## **PART VII FEES**

- 7.1 Fees - set out - Schedule 'A'  
Licence fees shall be set and approved by the Council of the Town from time to time and are listed in Schedule 'A' of this by-law.

- 7.2 Guide Dogs – deaf persons - exempted  
Where a certificate is produced for a Hearing Ear Dog stating that a Dog is being used as a for the assistance of a deaf person, no fee shall be charged for licence and tag under this by-law.
- 7.3 Guide Dogs - blind persons - exempted  
Where a certificate is produced from The Canadian National Institute for the Blind stating that a Dog is being used as a guide for a blind person, no fee shall be charged for licence and tag under this by-law.
- 7.4 Pound fees - payment - proof of Ownership - required  
Where a Dog is claimed from the Poundkeeper, the Owner shall provide proof of Ownership of the Dog, as well as proof of payment for a current Dog licence, and compensate the Poundkeeper according to Schedule “B” – Impoundment Fees and Charges.
- 7.5 Fees - unpaid - recovery - method  
Every pound fee unpaid in whole or in part is a debt due to the Poundkeeper and is recoverable in any court of competent jurisdiction in which a debt or money demand may be recovered.

#### **PART VIII IMPOUNDING**

- 8.1 Seizure - Dog - Running At Large  
The Dog Controller shall, and any police officer may, seize any Dog found Running At Large as defined in this by-law.
- 8.2 Seizure - delivery - to Poundkeeper  
Every Dog seized by a police officer shall forthwith be delivered to the Poundkeeper or to the Dog Controller.
- 8.3 Seizure - impounding  
The Poundkeeper shall impound any Dog delivered to him by a police officer or Dog Controller.
- 8.4 Capture - any Dog - Running At Large - return to Owner  
The Dog Controller may capture all Dogs Running At Large contrary to this by-law and may take them to the Dog's Owner, if known, or at the Dog Controller's discretion, to the pound for impounding by the Poundkeeper.
- 8.5 Entry - upon land - Dog Controller  
For purposes of section 8.4 of this by-law, the Dog Controller may enter onto any public property or may enter onto any private property and into the structures thereon with the consent of the owner or occupant.
- 8.6 Female - in heat - at large - impounding - up to 21 days  
The Poundkeeper and the Dog Controller may impound any female Dog found Running At Large and in heat until it is no longer in heat, but not exceeding 21 days.
- 8.7 Female - in heat - not released - exception  
No female Dog shall be claimed while it is in heat unless the Owner makes arrangement subject to the approval of the Dog Controller for its confinement at any other place during heat.

- 8.8 Claim - within 3 days - release  
The Owner of a Dog impounded for Running At Large shall be entitled to redeem such animal within three (3) days from the time of impoundment, exclusive of Sundays and statutory holidays, and days during which the pound is otherwise closed, upon paying the Poundkeeper the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.
- 8.9 Owner - to claim Dog - before disposal  
The Owner of a Dog that has been impounded shall, upon application to the Poundkeeper, claim the Dog before the Poundkeeper is entitled to dispose of the Dog according to the provisions of section 8.10 of this by-law.
- 8.10 Disposal - Dog - not claimed - Poundkeeper - discretion  
Where a Dog that is impounded is not claimed by the Owner thereof within the redemption period specified under this by-law, the Poundkeeper may retain the Dog for such further time as he may consider proper and during that time the Poundkeeper 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.
- 8.11 Euthanasia - for humane - safety reasons  
Where a Dog that is captured or taken into custody is injured or in the opinion of the Poundkeeper, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Dog Controller or other trained person appointed by the Poundkeeper, may euthanize, or cause the euthanization of, 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.
- 8.12 Euthanasia - dangerous Dog - Running At Large  
In the opinion of an Dog Controller, where a Dog cannot be captured and where the safety of persons or animals are endangered, the Dog Controller or other trained person appointed by the Poundkeeper, or a police officer, may euthanize the Dog and no damages or compensation shall be recovered by the Owner of the Dog for said destruction.
- 8.13 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 Dog Controller or the Poundkeeper, the Owner shall pay to the Dog Controller or the Poundkeeper or the Town 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.
- 8.14 Compensation - to Owner - prohibited  
No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanizing or other disposal of the impounded Dog in the course of the administration and enforcement of this by-law shall be:
- (a) recovered by any Owner or other person; or
  - (b) paid by the Poundkeeper or the Town or the Dog Controller.
- 8.15 Retrieval - forcibly - from Poundkeeper - prohibited  
No person shall forcibly retrieve a Dog from the Poundkeeper, the Dog Controller or, break and enter into a patrol vehicle of Dog Controller or retrieve a Dog without payment in full of all fees and charges required to be paid under this by-law.

8.16 Rabies – quarantine - Medical Officer of Health

Where the Medical Officer of Health is of the opinion that a Dog may be rabid and has ordered that the Dog be quarantined by confinement or isolation at the place of the residence of the person or at a veterinary hospital, no person shall fail to comply with the order of the Medical Officer of Health.

8.17 Quarantine – expense of Owner

Pursuant to Section 8.16 herein, the Owner shall be responsible for all expenses related to the order of the Medical Officer of Health to quarantine the Dog

**PART IX DANGEROUS DOGS**

9.1 Dog-deemed Dangerous – Potentially Dangerous

The Dog Controller may at their individual discretion deem a dog to be a Dangerous Dog or a Potentially Dangerous Dog as defined by this By-law. Where the Dog Controller designates a dog as a Dangerous Dog or a Potentially Dangerous Dog, the Dog Controller shall serve notice upon the Owner of such Dog requiring the Owner, upon receipt of such notice, to comply with the following requirements;

(a) to keep such 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 and;

(b) to securely attach a muzzle to and to leash such dog at all times when it is not confined in accordance with Section 9.1(a);

or to comply with the following requirements only in the case of a Dog deemed Potentially Dangerous;

(c) to keep such Dog confined within the Owner's dwelling; or to keep such Dog confined to the Owner's fenced yard of adequate construction to prevent the Dog from escaping therefrom and preventing the entry therein of unsupervised children and;

(d) to leash such dog at all times when it is not confined in accordance with section 9.1(c).

9.2 Notice – Dangerous Dog – Potentially Dangerous Dog

The notice referred to in Section 9.1 shall include:

(a) A statement that the Dog Controller deemed the dog to be a Dangerous Dog or a Potentially Dangerous Dog.

(b) The requirements that the Owner must comply with in accordance with section 9.1.

(c) A statement that the Owner may request, within three (3) working days of receipt of the notice required by section 9.1, a hearing of the Council of the Town which may affirm or rescind the Dog Controller's designation of the Dog as Potentially Dangerous or Dangerous Dog, as the case may be and that Council may substitute its own designation or its own requirements of the Owner of a Dangerous Dog or Potentially Dangerous Dog pursuant to Sections 9.1.

9.3 Hearing – by Council- Dog deemed dangerous –potentially dangerous

Where the owner of a dog receives a notice from the Dog Controller deeming such dog as a dangerous dog so requests in writing to the Municipality within three (3) working days of receipt of such notice a hearing of Council. Council shall hold a hearing within twenty-one (21) working days of the Town's Clerk's receipt of the request for a hearing.

- 9.4 Council may at a hearing called for the purpose indicated in Section 9.3 may:
- (a) rescind the Dog Controller's deeming of the Dog as a Dangerous Dog;
  - (b) substitute its own requirements of the Owner of a Dangerous Dog or Potentially Dangerous Dog pursuant to Sections 9.1.
- 9.5 Confinement of Dangerous Dog – effective  
The requirements of Section 9.1 which may be imposed on a Dog Owner by the Dog Controller shall not be required until either the time for appeal under Section 9.3 has elapsed without the dog owner requesting an appeal pursuant to that Section or Council has ordered such requirement pursuant to Section 9.4, whichever occurs earlier.
- 9.6 Notice in change of Address - ownership  
An Owner of a Dog which has been deemed a Dangerous Dog or Potentially Dangerous Dog pursuant to section 9.1 shall advise the Town if he/she transfers ownership of such Dog to another person or changes the address at which such Dog is kept and furnish the Town with particulars of same.
- 9.7 How Notice given  
Any notices or requests for hearings required by this section shall be served by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth (5th) working day after the date of mailing.

## **PART X ENFORCEMENT**

- 10.1 Fine - for contravention  
Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act, R.S.O. 1990, Chap. p. 33.
- 10.2 Continuation - repetition - prohibited - by order  
The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
- 10.3 Severability of Provisions  
If any section, clause, sentence, or provision or any part or parts thereof of this by-law is declared by any Court of Law to be invalid, illegal or ultra-vires, such section, clause, sentence or provision or part or parts thereof shall be severable and shall not affect the validity of any other section, clause, sentence, provision or part of this By-law.

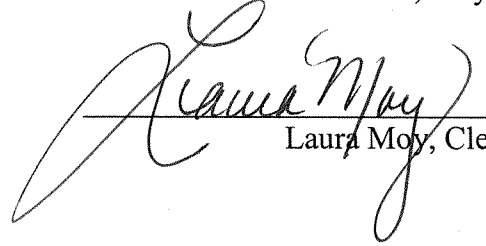
## **PART XI REPEAL - ENACTMENT**

- 11.1 By-laws - previous  
Any portion of any by-law inconsistent with this by-law is hereby repealed.
- 11.3 Effective date  
This by-law comes into force on the date of final reading.

**READ** a first, second and third time and finally passed this 18<sup>th</sup> day of November, 2003.



Ed Renaud, Mayor



Laura Moy, Clerk

**CORPORATION OF THE TOWN OF TECUMSEH****BY-LAW NUMBER 2003 -91**Schedule "A" - Licence Fees  
Payable to the Treasurer

- |    |   |           |
|----|---|-----------|
| 1. | Dog Licence Fee:                        |           |
|    | (a) On or before March 31st.            | \$ 15.00  |
|    | (b) After March 31st.                   | \$ 30.00  |
| 2. | Kennel Licence Fee:                     |           |
|    | (a) On or before March 31 <sup>st</sup> | \$ 100.00 |
|    | (b) After March 31st                    | \$ 125.00 |
| 3. | Guide Dogs                              |           |
|    | (a) Guide Dogs January 1 to December 31 |           |
|    | i) Seeing eye Dog                       | No charge |
|    | ii) Hearing ear Dog                     | No charge |
| 4. | Miscellaneous                           |           |
|    | (a) Replacement tag                     | \$3.00    |
|    | (b) Transfer of Licence                 | No charge |

**CORPORATION OF THE TOWN OF TECUMSEH**

**BY-LAW NUMBER 2003 – 91**

Schedule "B" – Impoundment Fees and Charges  
Payable to the Poundkeeper

1. The quantum of the following fees shall be paid to the Municipality as a Dog release fee before a Dog may be redeemed from the Poundkeeper.
  - (a) 1st impound \$ 25.00
  - (b) Any subsequent impound \$ 50.00
  - (c) Any outstanding license fee as prescribed in Schedule "A" of this By-law.
2. Veterinary fees and charges
3. Expenses related to an order of the Medical Officer of Health