

MUNICIPALITY OF MIDDLESEX CENTRE

BY-LAW NUMBER 2009-005

BEING A BY-LAW TO PROVIDE FOR THE LICENCING, CONTROL AND REGULATION OF ANIMALS WITHIN THE MUNICIPALITY OF MIDDLESEX CENTRE

WHEREAS Section 11(3) of the *Municipal Act*, S.O. 2001, c. 25 provides for the authority for lower tier municipalities to pass by-laws to regarding animals;

WHEREAS Section 103 and 105 of the *Municipal Act*, S.O. 2001, c. 25 outline specific power of municipalities regarding the impounding of animals and the muzzling of dogs;

WHEREAS Section 12 of the *Dog Owners' Liability Act*, R.S.O. 1990, c. D. 16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

AND WHEREAS the Municipality of Middlesex Centre deems it desirable to pass a by-law for the licensing, registration and regulation of dogs within the Municipality of Middlesex Centre;

NOW THEREFORE the Council of the Municipality of Middlesex Centre enacts as follows:

1. DEFINITIONS:

For the purpose of this by-law:

- a) "Animal Control Officer" means the person or agency so designated by the Council of the Municipality, and any employees or agents of such person or agency, to carry out the provisions of this by-law.
- b) "Commercial Dog Kennel" means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs not belonging to the owner of the property in return for payment of a fee are kept for breeding or boarding.
- c) "Dog" means any animal of the canine species irrespective of sex or neutering/spaying, including any wolf or wolf cross breed, harboured or kept by any person.
- d) "Dog Kennel" means any building, pen or other structure, but not a building used for human habitation, in which purebred dogs are kept as pets for show and/or breeding.
- e) "Dwelling Unit" means one or more habitable rooms designed for use by or occupied by not more than one (1) family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, a private entrance from outside the building or from a common hallway or stairway inside the building.
- f) "Impounded" shall mean seized, delivered, received or taken into the pound or any authorized vehicle operated by an officer pursuant to the provisions of this by-law.
- g) "Leash" means a chain, rope or other restraining device of not more than 3.5 meters.
- h) "Municipality" means the Municipality of Middlesex Centre.
- i) "Muzzled" means that the mouth of a dog is fastened or covered with a humane fastening or covering device of adequate strength to prevent the dog from biting.
- j) "Not Under Physical Control of Any Person" means when a dog is not on a lead/leash held by a person.
- k) "Officer" means:
 - (i) any police officer
 - (ii) the Animal Control Officer

- (iii) any By-Law Enforcement Officer of the Municipality
- l) "Owner" means a person or persons who possesses, harbours or has custody of a dog and where the owner is a minor, the person responsible for the custody of the minor. "Owns" and "owned" have a corresponding meaning.
- m) "Pound" means those premises designated by the Municipality for the detention, maintenance or disposal of dogs that have been impounded by an officer and shall include any building or buildings and enclosures maintained on behalf of the Municipality by any person or organization as is duly authorized to do so for the purposes of carrying out the provisions of this by-law and such building or buildings and enclosures shall conform to the Ontario regulations under The Animals for Research Act, R.S.O. 1990, Chapter A.22.
- n) "Poundkeeper" shall mean the person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing and carrying out the provisions of this by-law.
- o) "Purebred" means registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
- p) "Running at Large" means when a dog is found in a place other than the premises of the owner of the dog and not under physical control of any person.
- q) "Vicious Dog" means any dog with a known propensity, tendency or disposition to attack without provocation, humans, domestic animals, or other animal. Vicious and/or dangerous shall have a corresponding meaning.

2. ANIMAL CONTROL OFFICER

- a) Council may appoint an Animal Control Officer whose duty it shall be to:
 - i) issue fines in the manner set forth in this by-law attached as Schedule "A";
 - ii) receive accurate records from the Municipality of all licenses and dog tags issued pursuant to this by-law and such records must include the dog owner's name, address, the serial number of the permanent dog tag and the breed of the dog.
 - iii) provide monthly statements outlining the activities such as complaints and fines issued;
 - iv) seize and impound dogs found to be running at large

3. REGISTRATION REQUIREMENTS

- a) Every owner of a dog within the municipality shall register each dog owned by him/her and shall pay an animal registration fee in the amount as set out in accordance with the current Fee By-law.
- b) The municipality will issue a permanent dog tag beginning in 2009; in subsequent years, the owner will be required to pay the registration fee. The permanent tag will be issued for the life of the dog or until such time that the dog is no longer in possession of the owner to which the tag was issued. The permanent tag is not transferable to another animal or another owner.
- c) A person who acquires a dog in any year shall obtain a licence and tag within fourteen (14) days after acquisition of such dog in accordance with the current Fee By-law. Tags issued for new dogs after June 30th shall be prorated in accordance with the current Fee By-law.
- d) The owner of any dog(s) not registered by March 31st of the each year will be required to pay a penalty as set forth in the current Fee By-law.
- e) A dog registration shall expire on the 31st day of December of every year.
- f) Every dog shall be inoculated with an anti-rabies vaccine.

- g) The registration and permanent tag may be obtained at the Municipality of Middlesex Centre Administration Office.
- h) A licence or dog tag may be issued at no charge for canine vision dogs, hearing dogs or dogs trained to provide assistance to the physically handicapped upon proof of certificate provided by CNIB or Hearing Dogs of Canada. The annual registration fee for this dog will also be waived.
- i) There shall be no refund or rebate to any owner for any portion of a dog licence when such licence has been issued in accordance with the provisions of this by-law.
- j) No person shall own, possess or harbour a dog within the municipality or allow a dog to be owned, possessed or harbored on the premises of that person unless a registration fee for the current year, for the dog, as required by this by-law, has been paid and every owner of a dog shall keep the dog licence securely fixed on the dog at all times when the dog is not on the premises of the owner.
- k) Where a dog tag issued pursuant to the provisions of this by-law has been lost, or destroyed, the owner may be issued a new dog tag upon payment of the replacement fee as set out in the Fee By-law.
- l) Every dog owner who takes up residence within the municipality and where a current dog tag has been issued by another municipality, shall be required to obtain a new dog tag of the Municipality and pay only a transfer fee as set out in the Fee By-law.
- m) The Municipality may direct an officer(s) to licence each dog door to door. The officer(s) shall be authorized to require the owner of any dog(s) to pay the prescribed licence fee and upon payment issue a receipt to the owner and a tag for each dog owned.
- n) Every officer appointed under this by-law or any other by-law has the authority to issue an offence notice to the owner of any dog which has not been registered and licenced in accordance with the provisions of this by-law. The owner of the unlicenced dog may be subject to a penalty in accordance with the amount as set out in Schedule "A" to this by-law.
- o) This issuing of a certificate of offence does not relieve the owner of an unlicenced dog of the responsibility of obtaining a licence for the current year.

4. RUNNING AT LARGE

- a) No person, being the owner or keeper of any dog within the municipality, shall permit any such dog to run at large.
- b) Any officer shall be and is hereby authorized to seize and impound any dog found running at large within the municipality, contrary to the provisions of this by-law.
- c) Where a dog seized and/or impounded under this by-law is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, an officer or veterinarian may euthanize the dog in a humane manner.
- d) The owner of a dog which is found running at large may be issued a certificate of offence by an officer and shall be subject to the payment of a penalty in accordance with the amount as set out in Schedule "A" to this by-law.
- e) Any person may capture any dog running at large on his property and contact the Animal Control officer or other duly appointed officer, who may impound the said dog.
- f) The Animal Control Officer or other duly appointed officer, may enter on any public property or private property without the consent of the owner or tenant of the property, for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this by-law.

5. IMPOUNDING

- a) When a dog is seized by an officer for running at large, it may be transported directly to the pound where it shall be impounded for a minimum of three (3) days (excluding the day of seizure and any holidays) unless claimed by the owner during this three day period. Any dog that is not claimed within the three day redemption period may be disposed of subject to the requirements of The Animals for Research Act R.S.O. 1990, Chapter A.22.
- b) The owner of any dog impounded pursuant to paragraph 4 (a) may claim the dog from the pound upon payment to the Poundkeeper of any fee that may apply as per the current Fee By-law.
- c) Any person claiming an unregistered dog shall first pay to the Poundkeeper the required registration fee for the current year and any other charges that may apply in accordance with the provisions of the current Fee By-law. The Poundkeeper will remit the registration fee to the Municipality.
- d) If a dog is injured and the services of a veterinarian have been secured, the owner shall not be entitled to redeem the dog unless the charges for such veterinarian services are paid by the owner to the Poundkeeper.

6. KENNELS

- a) Every person who owns or operates a "Commercial Dog Kennel" or "Dog Kennel" as defined in this by-law shall pay an annual kennel licence fee in the amount as prescribed in the current Fee By-law. The kennel licence entitles the owner to a permanent dog tag for each purebred dog he/she keeps as a pet. It shall be the responsibility of those individuals who purchase dogs from a kennel to obtain the licence as per Clause 3(a) of this by-law.
- b) No person or persons shall establish a "dog kennel" or "commercial dog kennel" operation within the municipality unless the facility is situated within a zone where its use is permitted in accordance with the provisions of the Municipality's zoning by-law.
- c) Every dog kennel or commercial dog kennel established for the purpose of boarding and/or breeding dogs will be subject to inspection by an officer on a bi-annual basis and approval of every such licence shall be conditional upon meeting all legal requirements for the humane treatment of dogs in a kennel operation. On year where an inspection is not required, the "Dog Kennel Declaration" attached to this By-law as Schedule "B" shall be completed as required.
- d) Every person who applies for a dog kennel or a commercial dog kennel licence will be required to complete a "Dog Kennel Application" form attached to this By-Law as Schedule "A."
- e) Every person who applies for a dog kennel or a commercial dog kennel licence shall comply with the following requirements. No kennel licence shall be issued unless the premises comply with all provisions of this by-law.
 - i) the area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
 - ii) every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
 - iii) the area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
 - iv) the area housing the dogs shall have a floor drain;
 - v) the area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four hour period;

- vi) the area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
 - vii) the area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
 - viii) where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.
- f) Every person who holds a kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:
- i) at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
 - ii) every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
 - iii) every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
 - iv) every dog shall be supplied with adequate amounts of potable water.

7. KEEPING OF DOGS

- a) Every person who owns a dog within the municipality shall provide the dog with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
- b) If a dog is customarily kept out of doors, the person who owns such a dog shall, at all times, provide for its use a structurally sound, weather-proof enclosure with off the ground flooring.
- c) Every person who owns an unspayed female dog shall during each period the dog is in heat, keep it confined so that it will not attract other dogs.
- d) No person within the municipality shall keep a dog tethered on a chain, rope or similar restraining device of less than 3.5 meters in length.
- e) Every person who owns a dog shall ensure that dogs secured by tie-out, chain or tether shall not extend beyond any property line at the length of the tie-out, chain or tether.
- f) Any person contravening any of the provision of Section 7 (a) through 7 (e) of this by-law is guilty of an offence and may result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "B" of this by-law.

8. VICIOUS DOGS

- a) The owner of any dog that has been determined to be vicious by an officer in accordance with the definition as set out in this by-law may be required to do any or all of the following:
 - i) not allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5 meters in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent the dog from biting another animal or human and to be under the care and control of a person 16 years of age or older;
 - ii) when the dog is on the owner's premises it may be required to be kept securely confined either indoors or in an enclosed pen or structure of minimum size 5 feet by 10 feet, capable of preventing the entry of children or other animals and adequately constructed to prevent the dog from escaping;
 - iii) conspicuously display a sign on his/her premises warning that there is a vicious dog on the property;

- iv) confine the said dog in a manner that will allow persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by the said dog;
 - v) notify the poundkeeper immediately if a vicious dog is loose, unconfined, has attacked another animal or human or has died or has been given away.
- b) Non-compliance with any of the provisions as set forth in 8 a) may result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "A" to this by-law.

9. PIT BULL RESTRICTIONS

A Pit Bull shall be deemed in all cases to be a vicious dog to which the provisions of Section 8 apply with necessary modifications. If any provision of the *Dog Owner's Liability Act*, R.S.O. 1990, Chapter D. 16 or the Regulations passes pursuant thereto impose a different standard or restriction from those imposed by this By-Law, the more restrictive provisions shall apply.

10. ANIMAL WASTE

Any person who owns or controls a dog shall remove forthwith any excrement left by such dog on any property in the municipality. Failure to remove such excrement by the owner or person having control of the dog may result in the issuing of a certificate of offence by an officer in accordance with the amounts as set out in Schedule "A" to this by-law.

11. EXOTIC PETS

- a) No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time. Examples of animals of a particular prohibited group are given in parentheses. These are examples only and shall not be construed as limiting the generality of the group.
- i) All canids, except the dog as defined in this by-law
 - ii) All felids, except the domestic cat
 - iii) All non-human primates (such as gorillas and monkeys)
 - iv) All viverrine (such as mongooses, civets and genets)
 - v) All marsupials (such as kangaroos and opossums)
 - vi) All mustelids (such as skunks, weasel, otters, badgers)
 - vii) All ursids (such as bears)
 - viii) All artiodactyls (such as hippopotamuses and pronghorns)
 - ix) All procyonids (such as raccoons, coatis and cacomistles)
 - x) All hyaenids (such as hyenas)
 - xi) All elephantids (such as elephants)
 - xii) All pinnipeds (such as seals, fur seals and walruses)
 - xiii) All snakes of the families pythonidae and boidae
 - xiv) All venomous reptiles and amphibians
 - xv) All raptors (such as eagles, hawks, owls and falcons)
 - xvi) All edentates (such as anteaters, sloths and armadillos)
 - xvii) All chiroptera (such as bats)
 - xviii) All crocodilians (such as alligators, crocodiles and cayman)
 - xix) All venomous arachnids (such as spiders, scorpions and tarantulas)
 - xx) All cetaceans (such as dolphins, whales and sharks)
 - xxi) All perissodactyls (such as tapirs and rhinoceroses)
- b) Notwithstanding Section 11 (a), on lands zoned for agricultural purposes where livestock facilities are a permitted use, no person shall keep or cause to be kept any animals listed in Section 11 (a) except those permitted in the zoning by-law.

12. INSPECTION BY OFFICER

Every owner shall allow any officer to carry out an inspection of premises where pet(s) or animal(s) of the owner is kept or to make inquiries deemed necessary for the purposes of insuring compliance with the provisions of this by-law.

13. LIMITATIONS

No person or persons shall keep more than three (3) dogs in or about any dwelling unit in the municipality, except that any person who, on the first day of January 1998, was keeping more than two dogs that had been previously licensed by The Corporation of the Township of Delaware, Township of Lobo, or Township of London, may keep those dogs until they have died or otherwise disposed of.

14. PENALTIES

Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

15. SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder of the by-law and if a court of competent jurisdiction shall declare any provision of this by-law invalid, such declaration shall not affect the validity of the remainder thereof.

16. BY-LAWS REPEALED

By-law Number 2008-094 of the Municipality of Middlesex Centre, and any other by-law and provision contrary to this by-law are hereby repealed.

17. FORCE AND EFFECT OF BY-LAW

This by-law shall come into force and take effect on the third and final reading thereof.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED on this 7th day of January, 2009.

Mayor

Clerk

THE MUNICIPALITY OF MIDDLESEX CENTRE

SCHEDULE "A" TO BY-LAW NO. 2009-005

SHORT FORM WORDING AND SET FINES

ITEM	COLUMN 1 DESCRIPTION OF OFFENCE	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE (d)	COLUMN 3 SET FINE (Including Costs)
1.	Fail to prohibit dog from running at large	Section 4	\$105.00
2.	Fail to register dog	Section 3 (m)	\$55.00
3.	Fail to keep dog licence fixed on dog	Section 3 (i)	\$55.00
4.	Fail to keep vicious dog leashed	Section 8 (a) (i)	\$305.00
5.	Fail to keep vicious dog muzzled	Section 8 (a) (i)	\$305.00
6.	Fail to keep vicious dog confined	Section 8 (a) (ii)	\$305.00
7.	Fail to display vicious dog sign	Section 8 (a) (iii)	\$305.00
8.	Fail to allow officer to inspect	Section 10	\$105.00
9.	Fail to remove dog excrement	Section 9	\$105.00
10.	Fail to pay annual kennel fee	Section 6 (a)	\$105.00
11.	Keeping more than three dogs	Section 11	\$105.00
12.	Fail to provide dog with basic necessities	Section 7 (a)	\$305.00
13.	Tether dog on restraining device less than 3.5 meters	Section 7 (d)	\$105.00
14.	Fail to provide dog(s) with adequate shelter	Section 7 (b)	\$305.00
15.	Fail to confine dog in heat adequately	Section 7 (c)	\$105.00
16.	Possess an exotic pet	Section 11(a)	\$305.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 14 OF BY-LAW NUMBER 2009-005, A CERTIFIED COPY OF WHICH HAS BEEN FILED.



Dog Kennel Application

Municipality of Middlesex Centre
10227 Ilderton Road
RR 2 Ilderton ON N0M 2A0

Name of Owner: _____	
Address: _____	
Postal Code: _____	Telephone Number: _____
Email Address: _____	

Kennel Information/Requirements

- The facility is situated within a zone where its use is permitted in accordance with the provisions of the Municipality's zoning by-law.
- No kennel licence shall be issued unless the premises comply with all provisions of the Animal Control By-law as follows.
- The area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
- Every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
- The area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
- The area housing the dogs shall have a floor drain;
- The area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four hour period;
- The area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
- The area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
- Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

Every person who holds a kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:

1. at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
2. every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
3. every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
4. every dog shall be supplied with adequate amounts of potable water.

Signature of Kennel Owner/Operator

Date of Inspection

Signature of Officer

Fee Enclosed: \$ _____

Cheques are to be made payable to Middlesex Centre

<p>Please mail, hand deliver, place in drop box with payment to:</p> <p>Municipality of Middlesex Centre 10227 Ilderton Road RR 2 Ilderton ON N0M 2A0 Phone: 519-666-0190</p>
--

Office Use Only

Amount Received: _____ Date Issued: _____ Licence No. _____

Cash **Cheque** **Debit** Date Pick-up or Mail: _____



Dog Kennel Declaration

Municipality of Middlesex Centre
10227 Ilderton Road
RR 2 Ilderton ON N0M 2A0

Name of Owner: _____
 Address: _____
 Postal Code: _____ Telephone Number: _____
 Email Address: _____

Kennel Information/Requirements

- The facility is situated within a zone where its use is permitted in accordance with the provisions of the Municipality's zoning by-law.
- No kennel licence shall be issued unless the premises comply with all provisions of the Animal Control By-law as follows.
- The area housing the dogs shall have a floor soundly constructed of hard, durable material which is impervious to water;
- Every cage or pen used for the housing of dogs shall be constructed so as to provide each dog with a clean, dry, and safe environment;
- The area housing the dogs shall be maintained in a clean condition suitable for the health, welfare, and comfort of every dog therein;
- The area housing the dogs shall have a floor drain;
- The area housing the dogs within the kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four hour period;
- The area housing the dogs shall be adequately ventilated for health, welfare, and comfort of every dog therein;
- The area housing the dogs shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein;
- Where a clipping and grooming service is performed, such clipping and grooming shall be carried out in the kennel building only.

Every person who holds a kennel licence and/or operates a boarding facility for animals shall comply with the following requirements:

1. at all times maintain the premises for which the licence is issued in a sanitary, well ventilated, clean condition;
2. every dog shall be maintained in a cage or pen which enables the dog to extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
3. every dog shall be supplied with food of a type and in amounts nutritionally adequate for the dog;
4. every dog shall be supplied with adequate amounts of potable water.

I _____, swear that as owner/person responsible for the above noted kennel have met the conditions and requirements of the Middlesex Centre Animal Control By-law as outlined above, and will continue to abide by the requirements for the duration of this licence.

Signature of Kennel Owner/Operator

Signature of Municipal Official

Fee Enclosed: \$ _____

Cheques are to be made payable to Middlesex Centre

Please mail, hand deliver, place in drop box with payment to:

Municipality of Middlesex Centre
10227 Ilderton Road
RR 2 Ilderton ON N0M 2A0
Phone: 519-666-0190

Office Use Only

Amount Received: _____ Date Issued: _____ Licence No. _____

Cash **Cheque** **Debit** Date Pick-up or Mail: _____