

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW 668-06

Being a by-law to provide for the regulation and registration of dogs.

WHEREAS Section 11 of the Municipal Act, 2001, authorizes lower tier municipalities to pass by-laws with respect to animal control;

AND WHEREAS Section 103 of the Municipal Act, 2001, provides authority to seize and impound animals and for the establishment of procedures for payment of fines;

AND WHEREAS Council deems it necessary to enact a by-law for the control of dogs within the municipality;

NOW THEREFORE BY ITS COUNCIL THE MUNICIPALITY OF LEAMINGTON HEREBY ENACTS AS FOLLOWS:

1. In this by-law:
 - a) “Animal Control Officer” means a person appointed by the Council for seizing and impounding dogs running at large.
 - b) “Clerk” means the Clerk for the Municipality of Leamington.
 - c) “Council” means the Council of The Corporation of the Municipality of Leamington.
 - d) “Dog” means any dog which has attained the age of three (3) months.
 - e) “Dog Owner” means a person who owns, possesses, keeps or harbours a dog, and where the person is a minor, then the person responsible for the custody of the minor.

- f) “Kennel” means any building, part of a building, or area used for keeping dogs that is registered or eligible for registration under The Animal Pedigree Act R.S.C., 1985, c. 8(4th Supp.) and means a kennel of pure-bred dogs registered in the Register of the Canadian Kennel Club (C.K.C.), the American Kennel Club (A.K.C.), the Field Dog Stud Book (F.D.S.B.) or the United Kennel Club (U.K.C.) of Kalamazoo, Michigan.
 - g) “Leash” means a restraining device that is less than 1.8 meters in length and attached to the dog and held by a person to keep the dog under physical control.
 - h) “Municipality” means The Corporation of the Municipality of Leamington.
 - i) “Owns” includes possess, keep or harbour.
 - j) “Running at large” means to be found in any place other than the premises of the Dog Owner unless on a leash and under physical control of a person.
2. No person shall own a dog within the Municipality unless the person has registered the dog with the Municipality in accordance with the provisions of this by-law.
 3. Subject to Section 34, no person shall keep more than two (2) dogs in a dwelling unit or on any premises.
 4. Every dog owner shall remove forthwith and sanitarily dispose of excrement left by the dog within the Municipality.
 5. No person shall permit a dog to enter upon the private property of another person without the property owner’s consent.
 6. No dog owner shall allow such dog to run at large.

7.
 - a) Every dog owner shall keep such dog under physical control by means of a leash at all times when the dog is any place other than the premises of the Owner.
 - b) Notwithstanding Section 7 (a), when a person is legally hunting wildlife, then the person may keep the dog under physical control by means other than a leash.
8. The Clerk shall be responsible to establish and maintain a dog registration system in accordance with this by-law.
9. The Clerk shall keep a record showing the following dog registration information:
 - a) name and address of dog owner;
 - b) serial number of tag;
 - c) date of registration;
 - d) description of dog; and
 - e) the amount of fee paid upon registration.
10. Every dog owner shall make application every year to register each dog owned by the Dog owner.
11. Every dog registration application shall be accompanied by the following:
 - a) description of dog including colour, breed and name;
 - b) applicable fee;
 - c) Veterinary information of the dog if applicable; and
 - d) such other information as the Clerk deems advisable to ensure compliance with and enforcement of any federal or provincial statute or municipal by-law.

12. Every dog registration issued by the Clerk shall expire on the thirty-first day of December of the year for which it is issued.
13. Upon payment of the applicable dog registration fee(s), the owner shall be furnished with a dog tag bearing the serial number, the year for which it was issued and the words "Municipality of Leamington".
14. 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.
15. Where a tag has been lost, an application shall be made with the applicable fee to the Clerk for a replacement tag. The replacement tag shall be issued one time annually if the application is accompanied by proof that the current year's registration fee has been paid.
16. No person shall, within the Municipality of Leamington, unlawfully remove a dog tag from a registered dog.
17. Every owner shall notify the Clerk upon the change in ownership of a registered dog.
18. No person shall keep a dog kennel without registering with the Municipality.
19. Every owner of a kennel shall pay to the Municipality a kennel registration fee for each year or any portion thereof as may be established annually.
20. 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 odours therefrom, and shall be kept free of flies or vermin at all times.
21. No kennel may be established except where it is permitted under the applicable Zoning by-law in force from time to time.

22. No kennel with an outside area of confinement for dogs shall be constructed or located within sixty (60) meters of any building used for human habitation on any adjacent lot, and no outside area of confinement for dogs shall be constructed or located within three meters of any property boundary line.
23. All kennels may be subject to Inspection by the Medical Officer of Health for the Municipality and where, in his opinion, a kennel deviates from the minimum standards established by him, the Clerk shall be at liberty to revoke the registration herein granted until such time as the Clerk is notified by the Medical Officer of Health that the Kennel complies with these standards. The owner of the kennel shall have a right to appeal the revocation to Council.
24. Guide dogs within the meaning of the Blind Persons' Rights Act, handicap-aid dogs and police service dogs, are exempt from the payment of all registration fees applicable pursuant to this by-law.
25. Where a dog is claimed from the Animal Control Officer, the owner shall provide proof of ownership of the dog, as well as proof of a current dog registration, and pay the Clerk the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.
26. The Animal Control Officer shall impound any dog seized by the Animal Control Officer or delivered to the Animal Control Officer by a police officer or member of the public.
27. The owner of a dog which has been impounded for being at large shall be entitled to redeem such dog within seventy-two (72) hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Animal Control Officer the applicable pound charges prescribed, and any other damages, fines and expenses according to law.

28. Prior to the date that the Animal Control Officer is entitled to dispose of the dog according to the provisions of Section 27 of this by-law, the owner of a dog that has been impounded may, upon application to the Clerk, claim the dog.
29. Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Animal Control Officer may retain the dog for such further time as he may consider proper and during that time the Animal Control Officer may:
 - a) sell the dog for such price as they may consider proper;
 - b) euthanize the dog;
 - c) dispose of the dog in accordance with the Animals for Research Act.
30. Where a dog that is captured or taken into custody is injured or in the opinion of the Animal Control Officer, should be destroyed without delay for humane reasons or for reasons of safety to person or animals, the Animal Control Officer or other trained person appointed by the Clerk, may euthanize the dog in a humane manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.
31. In the opinion of an Animal Control Officer, where a dog cannot be safely captured or where the safety of persons or animals are endangered, the Animal Control Officer or other trained person appointed by the Clerk, may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.
32. Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Animal Control Officer, the owner shall pay to the Animal Control Officer all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this by-law, whether the dog is alive, dies or is euthanized.

33. No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanasia or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be:
 - a) recovered by any owner or other person; or
 - b) paid by the Clerk or the Municipality of Leamington.

34.
 - a) A dog owner residing in the former Township of Mersea may own up to a maximum of five (5) dogs, provided that the dog owner owned the dogs prior to February 6, 2006.

 - b) The onus of providing the date of ownership of the dogs shall be on the dog owner.

 - c) After December 31, 2006, the dog owner must provide proof of registration of the dog with the Municipality to exempt the dog owner from Section 3 of this by-law.

35. A dog owner may apply to Council for a resolution exempting them from the provisions of this by-law based upon extraordinary circumstances, but any exemption granted shall be for a set term not exceeding twelve (12) months.

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

37. Leamington By-law 4049-92 and By-law 4328-96 and Mersea By-law 5063 shall be repealed on the date this by-law comes into force and effect.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS
6TH DAY OF FEBRUARY, 2006.

Signature on file

JOHN ADAMS, Mayor

Signature on file

BRIAN R. SWEET, Clerk

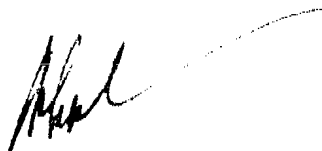
ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 668-06, of the Municipality of Leamington, attached hereto are the set fines for those offences. This Order is to take effect April 24, 2006.

Dated at London this 24th day of April, 2006.

A handwritten signature in black ink, appearing to read 'Alex Graham', with a long, sweeping horizontal stroke extending to the right.

Alexander M. Graham
Regional Senior Justice
West Region

SCHEDULE "A"

**THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON
BY-LAW 668-06**

Part 1 Provincial Offences Act

Being a by-law to provide for the
regulation and registration
of dogs within the Municipality of Leamington

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provisions	COLUMN 3 Set Fine
1	Fail to obtain dog tag	Section 2	\$100.00
2	Keep more than two dogs	Section 3	\$200.00
3	Fail to remove dog excrement	Section 4	\$100.00
4	Fail to dispose of dog excrement in a sanitary manner	Section 4	\$100.00
5	Permit dog to run at large	Section 6	\$100.00
6	Fail to keep dog tag securely fixed on dog	Section 14	\$100.00
7	Keep a kennel without registering	Section 18	\$200.00

Penalty Provision for the offences indicated above is Section 34 of By-law No.668-06, a certified copy of which has been filed.