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 13th day of July, 2015.

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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 familiarus;

“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 31st 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 31st of each year.

4.7. In the event the owner of a licensed dog fails to renew the licence before March 31st, 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 sanitarly 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, badgers, mongooses and raccoons), 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. pangola);
- **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

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 13th day of July, 2015.

___________________________________
Mayor – Randy Hope

___________________________________
Clerk – Judy Smith