

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW NO. 57-2015

Being a By-law to amend By-law No. 103-2003 as amended, being a By-law to provide for the licensing, regulating and registration of dogs within the Town of Kingsville

WHEREAS By-law No. 103-2003 is the Town of Kingsville by-law being a By-law for licensing, regulating and registration of dogs within the Town of Kingsville was adopted by the Town of Kingsville Council ("Council") on October 27, 2003;

WHEREAS paragraph 9 of subsection 11(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, provided that By-laws may be passed by local municipalities respecting animals;

WHEREAS By-law No. 103-2003 was subsequently amended and updated by By-Law 118-2003;

WHEREAS it is the desire of the Council of the Corporation of the Town of Kingsville to further amend By-law 103-2003, as amended;

NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That Part 1, Section 1 of By-law No. 103-2003, as amended with the addition of the following definitions:

"1. (n) "By-law Enforcement Officer" means an enforcement officer appointed by Council for the Town of Kingsville to enforce by-laws of the Town of Kingsville;

1.(o) "Choke Collar", "Choke Chain" or "Prong Collar" means a collar that tightens, constricts or pinches a dog's neck when tension is applied and may inflict pain or discomfort on an animal;

1.(p) "Extreme Weather" means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the Town of Kingsville, including and not limited to extreme cold or hot weather, snow storms, freezing rain, heaving rainfall, hurricanes, tornadoes and/or strong winds;

1.(q) "Tethered" for the purposes of this By-law, means the fastening of a rope, chain, cord or similar restraining device to a dog'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;

1. (r) "Un-sanitary condition" means a condition that results in an accumulation of fecal matter, odour, insect infestation or rodent attractions which endanger the health of any person or dog, or that would disturb the enjoyment, comfort or convenience of any person or that endangers or is likely to endanger the health of any person or dog."

2. That Section 1.(g) of By-law No. 103-2003, as amended be deleted and replaced by the following:

"1.(g) "Leash" generally means a rope, chain or other restraining material that is attached to a collar or halter worn by a dog and that is capable of restraining the animal on which it is being used;"

3. That Part 1 – Animal Control, Section 8 of By-law No. 103-2003, as amended is hereby amended to add the following subsections:

"8. (f) No person shall keep a dog tethered on a rope, chain, cord or similar restraining device unless:

- (i) The tether shall be a minimum of three metres in length and not permit the dog to go beyond the limits of the dog owner's property;
- (ii) The dog has unrestricted movement within the range of such tether;
- (iii) The dog is not tethered for longer than twelve hours per day;
- (iv) The dog has access to water, shade and shelter while tethered; and
- (v) The dog cannot injure itself as a result of the tethering

For the purposes of Section 8. (f)(iii) when the same dog is observed to be tethered in the same location on at least two (2) subsequent occasions in the twenty-four (24) hour period that follows an initial observation of the dog in that location, then there shall be a rebuttable presumption that the dog has been tethered in that location for more than twelve (12) hours cumulatively in the twenty-four (24) hours period since the initial observation.

8. (g) Notwithstanding Subsection 8. (f), no person shall keep a dog 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 a dog's neck.

8.(h) No person shall allow a dog to be outside the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked;

8. (i) Notwithstanding Section 8 (h), a person may allow a dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pick up truck or flat bed truck if the dog is:

- (i) In a fully enclosed trailer;
- (ii) In a topper enclosing the bed area of a truck;
- (iii) Contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
- (iv) Securely tethered in such a manner that the dog is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach the outside edges of a vehicle.

8. (j) The owner of a dog shall not leave a dog unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal.

A Police Officer, Peace Officer, or By-Law Enforcement Officer who has reasonable grounds to believe that a dog left unattended in a motor vehicle is in imminent physical danger may take steps to remove the dog from the vehicle and shall not be held liable for any damage to the vehicle by so doing.

8.(k) No person shall allow a dog to remain outdoors during Extreme Weather unless the dog has access to shelter that will adequately protect the dog from the conditions."

This By-law shall come into force and effect from the date of passing by the Council of The Corporation of the Town of Kingsville.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 8th day of June, 2015.



MAYOR, Nelson Santos



CLERK, Dan DiGiovanni

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. 103-2003, As Amended, of the Town of Kingsville, attached hereto are the set fines for those offences. This Order is to take effect September 4, 2015.

Dated at London this 4th day of September 2015.



Stephen J. Fuerth
Regional Senior Justice
West Region

PART 1 PROVINCIAL OFFENCES ACT

THE CORPORATION OF THE TOWN OF KINGSVILLE BY-LAW NO. 103-2003, AS AMENDED BY BY- LAW NO. 57 -2015

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING, REGULATING AND REGISTRATION
OF DOGS WITHIN THE TOWN OF KINGSVILLE AND TO AUTHORIZE THE MUNICIPAL
COUNCIL TO REQUIRE THE MUZZLING OF A DO AFTER IT HAS BITTEN A PERSON OR DOMESTIC ANIMAL**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OF DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Fail to register a dog	Part 1, Section 2(a)	\$100.00
2.	Fail to obtain a dog tag for a dog	Part 1, Section 2(a)	\$100.00
3.	Fail to pay prescribed licence fee for a dog	Part 1, Section 2(a)	\$100.00
4.	Harbour more than three dogs without a Kennel Licence	Part 1, Section 2(b)	\$200.00
5.	Keep more than three dogs without a Kennel Licence	Part 1, Section 2(b)	\$200.00

NOTE: The general penalty provisions for the offences listed above is Section 61 of the Provincial Offences Act, 1990, c. P.33.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OF DEFINING OFFENCE	COLUMN 3 SET FINE
6.	Cause to be kept more than three dogs without a Kennel Licence	Part 1, Section 2(b)	\$200.00
7.	Fail to pay annual Kennel Licence Fee	Part 1, Section 2(c)	\$100.00
8.	Fail to keep dog tag securely fixed on a dog	Part 1, Section 3(a)	\$100.00
9.	Permit a dog tag to be affixed to a dog other than the dog to which it was issued	Part 1, Section 3(b)	\$100.00
10.	Permit a dog to run at large	Part 1, Section 4(a)	\$100.00
11.	Fail to treat a dog in a humane manner	Part 1, Section 8(a)	\$300.00

NOTE: The general penalty provisions for the offences listed above is Section 61 of the Provincial Offences Act, 1990, c. P.33.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OF DEFINING OFFENCE	COLUMN 3 SET FINE
12.	Fail to treat a dog so that offensive odours and transfer of disease are minimized	Part 1, Section 8(b)	\$300.00
13.	Fail to provide a dog with necessary food	Part 1, Section 8(c)	\$300.00
14.	Fail to provide a dog with necessary water	Part 1, Section 8(c)	\$300.00
15.	Fail to provide a dog with necessary housing	Part 1, Section 8(c)	\$300.00
16.	Fail to provide a dog with necessary attention	Part 1, Section 8(c)	\$300.00
17.	Fail to maintain a dog in good health and free from harm	Part 1, Section 8(c)	\$300.00

NOTE: The general penalty provisions for the offences listed above is Section 61 of the Provincial Offences Act, 1990, c. P.33.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OF DEFINING OFFENCE	COLUMN 3 SET FINE
18.	Fail to remove dog excrement forthwith	Part 1, Section 8(d)	\$100.00
19.	Fail to dispose of dog excrement in a sanitary manner	Part 1, Section 8(d)	\$100.00
20.	Fail to muzzle a dog upon receipt of notice	Part II, Section 2(c)	\$300.00
21.	Tether dog on a tether that is less than three meters in length	Part 1, Section 8(f)(i)	\$200.00
22.	To tether a dog that is restricted from movement within range of the tether	Part 1, Section 8(f)(ii)	\$200.00
23.	To tether a dog for longer than 12 hours per day	Part 1, Section 8(f)(iii)	\$200.00

NOTE: The general penalty provisions for the offences listed above is Section 61 of the Provincial Offences Act, 1990, c. P.33.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OF DEFINING OFFENCE	COLUMN 3 SET FINE
24.	Fail to tether a dog without access to water, shade and shelter	Part 1, Section 8(f)(iv)	\$200.00
25.	To tether a dog which may injure itself as a result of the tethering	Part 1, Section 8(g)	\$200.00
26.	To allow a dog to be outside the passenger cab of a motor vehicle on a roadway, regardless of whether it is moving or parked	Part 1, Section 8(h)	\$200.00
27.	Fail to keep a dog in a fully enclosed trailer when allowing a dog to be outside the passenger cab of a motor vehicle	Part 1, Section 8(i)(i)	\$200.00
28.	Fail to keep a dog in a topper enclosing the bed area of a truck when allowing a dog to be outside the passenger cab of a motor vehicle	Part 1, Section 8(i)(ii)	\$200.00
29.	Fail to keep a dog contained a ventilated kennel or similar device securely fastened to the bed of a truck when allowing a dog to be outside the passenger cab of a motor vehicle	Part 1, Section 8(i)(iii)	\$200.00

NOTE: The general penalty provisions for the offences listed above is Section 61 of the Provincial Offences Act, 1990, c. P.33.

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OF DEFINING OFFENCE	COLUMN 3 SET FINE
30.	Fail to securely tether a dog in such a manner that the dog cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach the outside edges of a vehicle	Part 1, Section 8(i)(iv)	\$200.00
31.	To allow a dog to be left unattended in a motor vehicle when the weather conditions are not suitable for containment of an animal	Part 1, Section 8(j)	\$200.00
32.	Allow a dog to remain outdoors during extreme weather when the dog has no access to shelter	Part 1, Section 8(k)	\$200.00
33.	Fail to notify Town Clerk of transfer of ownership of a dog subject to muzzling requirement	Part II, Section 10	\$300.00
34.	Fail to notify Town Clerk of change of location of a dog subject to muzzling requirement	Part II, Section 10	\$300.00

NOTE: The general penalty provisions for the offences listed above is Section 61 of the Provincial Offences Act, 1990, c. P.33.