

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 103 - 2003

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 dog after it has bitten a person or domestic animal.

WHEREAS the Municipal Act, S. O. 2001, c. 25, Section 11 (1) 9, authorizes a local municipality to pass by-laws respecting animals which includes the power to require the muzzling of a dog after it has bitten a person or domestic animal;

AND WHEREAS the Municipal Act, S.O. 2001, Chapter M.25, Section 11 (2) 9, empowers and authorizes a local municipality to licence, regulate, and require the registration of dogs and to impose a licence fee on the owners of dogs, including the imposition of a higher licence fee in the case where more than one dog, either male or female, or dogs that are at least six months old and have been spayed or neutered and are owned by any one person in any one household.

AND WHEREAS the Municipal Act, S.O. 2001, Chapter M.25, Section 11, Subsections 1 and 2 provides where a Municipal Council passes a by-law regulating or prohibiting animals being at large or trespassing, may provide for;

- a) the seizure and impounding of animals,
- b) the sale of impounded animals if they are not claimed within a reasonable time, if the expenses of the municipality respecting the impounding of the animals is not paid, or at such time and manner as is provided in the By-law and,
- c) The establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the By-law respecting the animals being at large or trespassing has been contravened.

If payment is not made in accordance with the procedures established mentioned above, the fine is recoverable under the Provincial Offences Act, R.S.O., 1990, c. P. 33, as amended.

NOW THEREFORE the Municipal Council of The Corporation of the Town of Kingsville enacts as follows:

PART I

Regulations respecting the licensing, regulating and registration of dogs

1. For the purposes of this Part of the By-law the following definitions are applicable:
 - (a) "Council" means the Council of the Corporation of the Town of Kingsville;
 - (b) "Dog" means any dog, male or female, upon reaching the age of three (3) months after birth;
 - (c) "Male dog" includes all spayed female dogs;
 - (d) "Female Dog" means only such female dogs as have not been proven by production of a Veterinary Surgeon's Certificate to have been spayed;
 - (e) "Spayed Female Dog" means only such dog for which a Veterinary Surgeon's Certificate, in writing, is produced showing that such dog has been spayed;

- (f) "Kennel" includes any building, part of a building, or area used for keeping dogs that is registered or eligible for registration under The Animal Pedigree Act 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" shall not be longer than 2 metres.
 - (h) "Owner" of a dog includes a person who possesses or harbours a dog, and where the owner is a minor, the person responsible for the custody of the minor, and for the purposes of this definition "owns" and "owned" shall have a corresponding meaning;
 - (i) "Clerk" means the Clerk for the Town of Kingsville;
 - (j) "Town of Kingsville" means the new and restructured municipality known as The Corporation of the Town of Kingsville created by an Order of the Province of Ontario made under the Municipal Act, R.S.O. 1990, c. M.45 Subsection 25.2(4) and dated November 19, 1997 and being composed of the former Municipalities the Township of Gosfield North, the Township of Gosfield South and the Town of Kingsville and includes its employees, servants and agents;
 - (k) "Animal Control Officer" means the Animal Control Officer for the Town of Kingsville and includes the terms "dog catcher" and "dog pound keeper" meaning a person duly appointed by the Municipal Council for seizing and impounding dogs running at large in the Town of Kingsville and on the request of the owner or occupant of private property, for seizing and impounding dogs trespassing on such private property. Such person may be one and the same "Animal Control Officer" as duly appointed by The Corporation of the Municipality of Leamington;
 - (l) "Municipal Pound" means a jointly-shared pound facility located in the North part of Lot 12, Concession 3, Eastern Division of the Town of Kingsville and maintained on behalf of The Corporation of the Town of Kingsville in cooperation with The Corporation of the Municipality of Leamington.
 - (m) "Joint Area Animal Control Committee" mean collectively those persons appointed by the Municipalities of Leamington and Kingsville to oversee the maintenance and operation of the "Municipal Pound" and to authorize, regulate and oversee the actions and requirements of the "Animal Control Officer" for the said Joint Area Municipalities.
- 2.
- (a) No person shall own or harbour a dog that has not been registered within the Town of Kingsville without registration within the Town of Kingsville and for which a dog tag has not been annually obtained prior to March 15th upon payment of a license fee to the Town of Kingsville, in accordance with the Municipal Fees By-law as amended from time to time by the Municipal Council of the Town of Kingsville;
 - (b) No person shall harbour, keep or cause to be kept within the limits of the Town of Kingsville more than three (3) dogs unless a Kennel Licence has been issued by the Municipality;
 - (c) The owner of a Kennel of dogs that is registered or eligible for registration with an Association incorporated under The Animal Pedigree Act (Canada) shall on or before March 15 of each year pay an annual Kennel Licence Fee as fixed in the Municipal Fees By-law for the Kennel instead of a licence fee for each dog.

- (d) Upon providing the Animal Control Officer with satisfactory evidence that a person is blind, hearing impaired or physically impaired, and is the owner of a dog used to assist that person in overcoming the impairment, a dog licence and dog tag may be issued at no charge.
- 3.
- (a) A tag shall be supplied by the Town of Kingsville for each dog in respect of which a licence fee is paid hereunder and the owner shall keep the tag securely fixed on the dog at all times during the year and until a tag is provided for the following year;
 - (b) No person who owns or harbours a dog shall permit a dog tag to be affixed to such dog unless the tag was issued for use upon such dog;
 - (c) The dog tag shall bear a serial number and the year in which it was issued and a record shall be kept by the Clerk for the Town of Kingsville or by such other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.

ANIMAL CONTROL

- 4.
- (a) No person who owns or harbours a dog shall allow such dog to run at large within the municipality;
 - (b) A dog shall be deemed to be running at large if found in any place other than the premises of the owner or the place that it is habitually kept, and not under the control of any person;
 - (c) The Animal Control Officer is authorized to seize and impound any dog found running at large in the municipality.
5. The Animal Control Officer shall impound in the Joint Municipal Pound all dogs seized under clause 4 (c) pursuant to the requirements of the Animals for Research Act, R.S.O. 1990, chapter A.22;
6. The owner of a dog impounded pursuant to Clause 4 (c) may re-claim said dog prior to its disposal upon payment to the Animal Control Officer of a re-claim or impound fee, as determined from time to time by the Joint Area Animal Control Committee.
7. The Animal Control Officer may sell any dog impounded pursuant to Clause 4(c) after the expiration of a redemption period as provided in the Animals for Research Act, R.S.O. 1990, chapter A.22 for a fee as determined from time to time by the Joint Area Animal Control Committee;
8. Any person who owns a dog shall:
- (a) treat it in a humane manner;
 - (b) treat it so that offensive odours and the transfer of disease are minimized;
 - (c) provide the necessary food, water, housing or attention as required to keep the animal in good health and free from harm; and
 - (d) remove forthwith any excrement of the said animal and dispose of it in a sanitary manner.
 - (e) the Owner of every dog or dogs shall keep the same under physical control by means of a Leash held by the same person at all times when the dog is in any place other than the premises of the Owner.

9. Every person who violates any provision of this Part is guilty of an offence and upon conviction shall be liable to a fine not exceeding Five Hundred Dollars (\$500.00) for each offence, exclusive of costs, and such fine and costs shall be recoverable under the provisions of the Provincial Offences Act, R. S. O., 1990, c. P. 33, as amended.
10. Part I shall be deemed to have come into full force and effect on final passing of this By-law by the Council;
11. Any by-laws inconsistent with Part I of this By-law are and the same are hereby repealed.

PART II

Regulations Respecting Dogs That Have Bitten

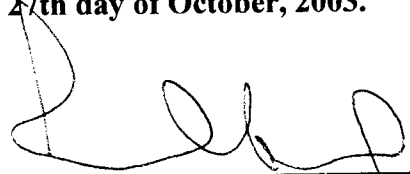
1. For the purposes of this Part of the By-law the following definitions are applicable:
 - (a) "Council" means the Council of the Corporation of the Town of Kingsville;
 - (b) "Committee of Council" means a Committee of the Council of The Corporation of the Town of Kingsville;
 - (c) "Muzzle" means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.
2.
 - (a) Where the Animal Control Officer has reason to believe that a dog has bitten a person or a domestic animal, the Town Clerk shall serve a notice upon the owner requiring the owner to muzzle the dog except when the dog is on the premises of the owner and in a confined area;
 - (b) The Notice referred to in (a) above shall be served on the owner in the same manner as the notice of hearing is served in Section 5;
 - (c) Upon the service of the Notice referred to in (a) above, the owner shall muzzle the dog except when the dog is in a confined area on the premises of the owner.
3. The Notice referred to in Section 2 shall include:
 - (a) A statement that the Town Clerk has reason to believe that the owner's dog has bitten a person or a domestic animal;
 - (b) That the owner shall muzzle the dog except when the dog is in a confined area on the premises of the owner;
 - (c) A statement that the owner may request and is entitled to a hearing before a Committee of Council which may exempt the owner from the muzzling requirement.
4. The Town Clerk shall, if requested by the Owner, schedule a hearing before a Committee of Council for the Town of Kingsville pursuant to the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22 and the Municipal Act, S.O. 2001 to determine whether the dog has bitten a person or a domestic animal and Council or a Committee thereof may exempt the owner from the muzzling requirement or both.
5.
 - (a) Prior to holding a hearing referred to in Section 4 above, the Town Clerk shall cause a notice of hearing to be served on the owner.

- (b) The notice of hearing may be served on the owner by the Town Clerk by handing it to the owner, but where the notice of hearing cannot be given or served by reason of the owner's absence from his premises or by reason of his evading service, the notice of hearing may be given or served:
 - (i) by handing it to an apparently adult person on the owner's premises;
 - (ii) by posting it up in a conspicuous place upon some part of the owner's premises; or
 - (iii) by sending it by prepaid registered mail to the owner at the address where he/she resides.
- 6. The notice of hearing shall include:
 - (a) a statement of the facts which leads the Town Clerk to believe that the owner's dog has, without provocation, bitten a person or a domestic animal;
 - (b) a statement setting out the time and place at which the Committee of Council will hold a public hearing to determine whether such dog has bitten a person or a domestic animal and whether or not such a dog shall be exempted from the muzzling requirement;
 - (c) a statement that if the owner does not attend the hearing, the Committee will proceed with the hearing in the absence of the owner and the owner will not be entitled to any further notice in the proceedings.
- 7. The owner may, if he/she wishes, be represented by counsel or an agent at such hearing and shall have the right to adduce evidence and to submit argument to show that the dog has not bitten a person or a domestic animal and/or to exempt the dog from the muzzling requirement, and to cross examine any witness adverse in interest to him/her, and in the event that the owner's dog is not exempted from the muzzling requirement, the Committee shall at the request of the owner, deliver written reasons for the decision.
- 8. At the time and place set forth in the notice referred to in sections 5 and 6, the Committee shall consider all of the evidence and shall make a declaration that the dog of the owner:
 - (a) has bitten a person or domestic animal or has not bitten a person or domestic animal; and
 - (b) shall be muzzled, except when the dog is in a confined area on the premises of the owner, or shall be exempt from the muzzling requirement.
- 9. Any notice or other document shall be served on the owner by the Town Clerk by handing it to the owner, but when the notice or documents cannot be given or served by reason of the owner's absence from the premises or by reason of his evading service, the notice may be given or served:
 - (i) by handing it to an apparently adult person on the owner's premises;
 - (ii) by posting it in a conspicuous space upon some part of the owner's premises, or
 - (iii) by sending it by prepaid registered mail to the owner at the address where he/she resides.
- 10. Every person who keeps a dog which requires muzzling pursuant to this By-law shall immediately notify the Town Clerk after he has transferred the ownership of the dog to any other person or has begun keeping the dog at a new location.

11. This Part shall not apply to a police work dog.
12. Any notice required by this Part to be given by prepaid registered mail shall be deemed to have been received by the person to whom it was addressed on the fifth (5th) day after the day of such mailing.
13. Every person who violates any provision of this Part is guilty of an offence and upon conviction shall be liable to a fine not exceeding \$500.00 for each offence, exclusive of costs, and such fine and costs shall be recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
14. Part II shall be deemed to have come into full force and effect on final passing of this By-law by Council.
15. Any by-laws inconsistent with Part II of this By-law be and the same are hereby repealed.

READ a FIRST and SECOND time this 27th day of October, 2003.

READ a THIRD time and FINALLY PASSED this 27th day of October, 2003.



MAYOR, Patrick M. O'Neil



ACTING CLERK, Linda Burling

THE CORPORATION OF THE TOWN OF KINGSVILLE
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 DOG AFTER IT HAS
BITTEN A PERSON OR DOMESTIC ANIMAL

BY-LAW NO. 103-2003

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

7.	Fail to pay annual Kennel Licence Fee	Part I, Section 2(c)	\$100.00
8.	Fail to keep dog tag securely fixed on a dog	Part I, 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 I, Section 3(b)	\$100.00
10.	Permit dog to run at large	Part I, Section 4(a)	\$100.00
11.	Fail to treat a dog in a humane manner	Part I, Section 8(a)	\$300.00
12.	Fail to treat a dog so that offensive odours and transfer of disease are minimized	Part I, Section 8(b)	\$300.00
13.	Fail to provide a dog with necessary food	Part I, Section 8 (c)	\$300.00
14.	Fail to provide a dog with necessary water	Part I, Section 8 (c)	\$300.00

15.	Fail to provide a dog with necessary housing	Part I, Section 8(c)	\$300.00
16.	Fail to provide a dog with necessary attention	Part I, Section 8 (c)	\$300.00
17.	Fail to maintain a dog in good health and free from harm	Part I, Section 8(c)	\$300.00
18.	Fail to remove dog excrement forthwith	Part I, Section 8(d)	\$100.00
19.	Fail to dispose of dog excrement in a sanitary manner	Part I, Section 8(d)	\$100.00
20.	Fail to muzzle a dog upon receipt of notice	Part II, Section 2(c)	\$300.00
21.	Fail to notify Town Clerk of transfer of ownership of a dog subject to muzzling requirement	Part II, Section 10	\$300.00

22.	Fail to notify Town Clerk of change of location of a dog subject to muzzling requirement	Part II, Section 10	\$300.00
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Penalty Provision for the offences indicated above are Part 1, Section 10 and Part 2, Section 13 of By-law No.¹⁰³⁻²⁰⁰³, a certified copy of which has been filed.

"COPY ONLY"

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 118 - 2003

*Being a by-law to amend By-law 103-2003,
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
dog after it has bitten a person or domestic
animal.*

WHEREAS By-law 103-2003 is the Town of Kingsville By-law providing for the registration, regulation and licensing of dogs within the Municipality;

AND WHEREAS the Council of The Corporation of the Town of Kingsville deems it expedient to amend By-law 103-2003 to add the words "or other device" at Part I, Section 8, subsection (e) as hereinafter more particularly set forth.


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

1. THAT Part I, Section 8, subsection (e) of By-law No. 103-2003 is hereby amended to read:

"the Owner of every dog or dogs shall keep the same under physical control by means of a Leash or other device held by the same person at all times when the dog is any place other than the premises of the Owner."
2. THAT this By-law shall come into force and effect upon third reading and being finally passed.

READ a FIRST and SECOND time this 15th day of December, 2003.

READ a THIRD time and FINALLY PASSED this 15th day of December, 2003.



MAYOR, Nelson Santos



ACTING-CLERK, Linda Burling

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 of the Town of Kingsville, attached hereto is the set fine including costs, for those offences. This Order is to take effect March 30, 2004.

Dated at London this 30th day of March, 2004.



Alexander M. Graham
Regional Senior Justice
West Region

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3



CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

March 30, 2004

Ms. Linda Burling, Acting Clerk
Corporation of the Town of Kingsville
2021 Division Road North
Kingsville ON N9Y 2Y9

Dear Ms. Burling:

**Re: Set Fines - Provincial Offences Act - Part I
Town of Kingsville**

Enclosed herewith are copies of Orders, and copies of schedules of set fines for the By-Laws listed below, the By-laws indicated in the schedules:

23-2001	25-2001	31-2000	30-2000
23-2000	103-2003	72-2001	69-2003
28-1999			

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the originals of the Orders and the schedules of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
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