

**CORPORATION OF THE TOWN OF INGERSOLL
BY-LAW NO. 01-3989**

**Being a by-law to provide for the Regulation, Restriction and
Prohibition of the Keeping and the Running at Large of Dogs
in the Town of Ingersoll**

WHEREAS Section 210 of the Municipal Act R.S.O., Chapter M.45, as amended, provides that by-laws may be passed by councils of municipalities:

1. for prohibiting or regulating the keeping of animals and for restricting the number of animals that may be kept by any person in any dwelling unit;
2. for requiring an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner unless prior consent is given by the land owner;
3. for requiring an owner of a dog to remove forthwith excrement left by the dog anywhere in the municipality;
4. for requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal;
5. for prohibiting or regulating the running at large of dogs, for seizing and impounding of dogs running at large in the municipality;
6. for licensing and regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them;
7. for requiring the owner of a kennel for dogs that are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) to pay an annual fee fixed by the by-law as a licence fee for the kennel in lieu of a license fee for each dog;

AND WHEREAS the Council of the Town of Ingersoll deems it advisable and expedient to enact a by-law for the purposes aforesaid;

**NOW THEREFORE THE CORPORATION OF THE TOWN OF INGERSOLL
ENACTS AS FOLLOWS:**

**PART 1
DEFINITIONS**

1.1 Definitions

In this by-law:

Animal Control Officer - defined

“Animal Control Officer” shall mean a person appointed by the Municipality, whose duties include the enforcement of this by-law.

Dog - defined

“Dog” shall mean any dog male or female.

Dangerous Dog - defined

"Dangerous Dog" means a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or domestic animal or has made a real and substantial threat of attack on a person or a domestic animal provided that the dog shall not be deemed to a dangerous dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

Dwelling Unit - defined

"Dwelling Unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and

sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which occupants have access to all the habitable areas and facilities of the unit.

Guard Dog - defined

"Guard dog" shall mean a dog used for security purposes on land legally used for industrial or commercial purposes.

Guide Dog - defined

"Guide dog" shall mean a dog that is trained to aid the visually impaired and actually used for such purpose.

Kennel - defined

"Kennel" shall mean a place, whether enclosed or not, where dogs are kept for the purposes of breeding, boarding or commercial purposes.

Leash - defined

"Leash" shall mean a chain, rope or other restraining devices of not more than two (2) metres (6 feet, 6 inches) in length

Licence agent - defined

"Licence agent" shall mean a person appointed by Council as a licence agent.

Mitigating Factor - defined

"Mitigating Factor" shall mean 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 from a person or domestic animal;
- (b) the dog was, at the time of the aggressive behaviour, acting in defence of its young or towards a person or domestic animal trespassing on this property of its owner; or
- (c) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.

Municipality - defined

"Municipality" shall mean the Municipality of the Town of Ingersoll.

Muzzle - defined

"Muzzle" shall mean a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.

Owner - defined

"Owner" shall mean a person who keeps, possesses or harbours a dog and where the owner is a minor the person responsible for the custody of the minor.

Poundkeeper - defined

"Poundkeeper" shall mean a person appointed by Council to act in the capacity of poundkeeper.

Premises - defined

"Premises" includes the entire lot on which a building is situated.

Running at large - defined

"Running at large" shall mean to be found in any place other than the premises of the owner of the dog and not under the physical control of any person by means of a leash.

Part 2
ADMINISTRATION AND ENFORCEMENT

2.1 Short Title

This By-law shall be known as the Comprehensive Animal Control and Licensing By-law.

2.2 Boundaries

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Town of Ingersoll.

2.3 Servability

In the event, that any provision, section, clause, sentence or any part or parts thereof of this by-law is declared by any Court of Law to be invalid, illegal or ultra-vires, such section, clause sentence or provision or part or parts thereof shall be severable and shall not affect the validity of any other section, clause, sentence, provision or part of this By-law.

2.4 In Force

This by-law shall take effect January 1, 2002.

2.5 Administration

- (i) The provisions of this by-law shall be administered by the Animal Control Officer or By-law Enforcement Officer of the Town or Police Officer acting under their direction.
- (ii) The By-law Enforcement Officer, Animal Control Officer or any employee of the Municipality acting under their direction may enter upon lands, premises and buildings for the purpose of determining or effecting compliance with any provision of this By-law.

PART 3
KEEPING OF DOGS

3.1 Maximum - 2 per premises

No person shall keep more than 2 dogs in any one dwelling unit or on any premises.

3.2 Guard Dogs - Industrial - Commercial premises

Notwithstanding section 3.1 of this by-law, only 2 guard dogs are permitted on lawfully used industrial or commercial premises and each dog shall be licensed.

3.3 Dogs - keeping - where number not limited

Section 3.1 of this by-law shall not apply to:

- (a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) an animal shelter operated by the municipality or County of Oxford.
- (c) premises registered as a research facility in accordance with the Animals For Research Act.
- (d) a kennel licensed by the Town of Ingersoll in accordance with this by-law.

(e) pet shops if in accordance with the Municipal Zoning By-law within the Municipality.

3.4 Puppies - number - not limited - 60 days following birth

Notwithstanding section 3.1 of this by-law, young puppies may be kept with the mother for a period not exceeding 60 days following birth.

3.5 Excrement - removal - disposal - sanitary - immediate

Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the Municipality, including the owner's yard and premises.

3.6 Trespassing - without consent - by dog - prohibited

No person shall permit a dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.

3.7 Running at large - prohibited

No owner of a dog shall permit the dog to run at large or fail to prohibit the dog from running at large.

**Part 4
LICENSING**

4.1 Licensing agent - appointed - authorized

The Council shall appoint a licensing agent or agents for the Municipality and every such licence shall be executed on behalf of the Municipality.

4.2 Registration - information - requirements

The licence agent shall keep a record showing the following dog licence registration information:

- (a) name, telephone number and address of dog owner;
- (b) serial number of tag;
- (c) date of registration
- (d) name and description of dog, including colour, sex, breed and name;
- (e) amount of fee paid upon registration
- (f) ear tag identification number, if applicable

4.3 Licence - annually

Every owner, annually, shall cause their dog to be licenced.

4.4 Expiry - annual - December 31

Every licence issued by the licence agent shall expire on the thirty-first day of December of the year for which it is issued and shall be renewed no later than January 1 of the next year.

4.5 Tag

- (a) **Serial number - issued - upon payment of fee**

Upon payment of the applicable fee, the owner shall be furnished with a dog tag bearing the serial number, the year in which it was issued and the words "Town of Ingersoll".

- (b) **Affixed - securely - to dog - at all times**

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 replace.

(c) **Replacement - where lost**

Where a tag has been lost, an application shall be made to the licence agent for a replacement tag.

(d) **Removal**

No person shall, within the Town of Ingersoll, unlawfully remove a dog tag from a licenced dog.

(e) **Transfer - of licence - conditions**

Every licence issued by the licence agent may be transferred after such notification and payment of the applicable fee upon the following occurrences:

- (i) replacement of dog upon death of licensed dog;

4.6 Dogs - more than two

When two or more dogs are kept on the same premise, they shall, for the purposes of this by-law, be deemed to be owned by the same person.

4.7 Registration - not previously

The Owner of a neutered and/or spayed dog who has not previously registered their dog as neutered and/or spayed in this municipality, must provide a copy of a Veterinary Neutering and/or Spaying Certificate at time of registration.

**PART 5
DANGEROUS DOGS**

5.1 Designation - notice - requirements

The Animal Control Officer or the By-law Enforcement Officer, may at their individual discretion, deem a dog to be a dangerous dog as defined by this By-law. Where the Animal control Officer or By-law Enforcement Officer designates a dog as a dangerous dog, the Animal Control Officer or By-law Enforcement Officer shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements:

- (a) To keep such dog confined within the owner's dwelling; or located wholly within a fence and properly secured area, and any gate in such fenced area shall be locked at all times when the dog is in the fenced area **or if the dog continues to leave the fenced area, the dog is to be restrained by a means of a chain/leash in addition to the fenced area.**
- (b) To securely attach a muzzle to and leash such dog at all times when it is not confined in accordance with Section 5.1 (a) and be under the care and control of a person 16 years of age or older.
- (c) Shall post a sign in a conspicuous place on his/her property stating that there is a dangerous dog on the premises.

5.2 Notice - include

The notice referred to in Section 5.1 shall include:

- (a) A statement that the Animal Control Officer or By-law Enforcement Officer has deemed the dog to be a dangerous dog;
- (b) The requirements that the owner must comply to in accordance with Section 5.1;
- (c) A statement that the owner may request, within three (3) working days of receipt of the notice required by Section 5.1, a hearing of the Council of the Municipality which may affirm or rescind the Animal Control Officer or By-law Enforcement Officer's designation of the dog as potentially dangerous or dangerous, as the case may be and that Council may substitute its own designation or its own requirements of the owner of a dangerous dog pursuant to Sections 5.1 and 5.2.

5.3 Notice - Hearing

Where the owner of a dog receives a notice from the Animal Control Officer or By-law Enforcement Officer deeming such dog as a dangerous dog so requests, in writing to the Municipality, within three (3) working days of receipt of such notice a hearing of Council. Council shall hold a hearing within fifteen (15) working days of the Town Clerk's receipt of the request for a hearing.

5.4 Hearing - Council - decision

Council may at a hearing called for the purpose indicated in Section 5.3 may:

- (a) rescind the Animal Control Officer's or the By-law Enforcement Officer's deeming of the dog as a dangerous dog.
- (b) substitute its own requirements of the owner of a dangerous dog pursuant to Section 5.1.

5.5 Requirement - imposed - prior to hearing

The requirements of Section 5.1 which may be imposed on a dog owner by the Animal Control Officer or By-law Enforcement Officer shall not be required until either the time for appeal under section 5.4 has elapsed without the dog owner requesting an appeal pursuant to that section or Council has ordered such requirement, whichever occurs earlier.

5.6 Notice - to licence agent - death - change of ownership

Every holder of a licence issued pursuant to this by-law shall notify the licence agent forthwith upon the death or change of ownership of a dog so licensed.

5.7 Ownership - transfer

An owner of a dog which has been deemed a dangerous dog pursuant to section 5.1 shall advise the Municipality if he/she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnished the Municipality with particulars of same.

5.8 Notices - delivery

Any notices or requests for hearing required by this section shall be served by hand delivery or prepaid registered mail, shall be deemed received on the fifth (5th) working day after the date of mailing.

PART 6 KENNELS

6.1 Kennels - application

All persons operating a kennel of dogs that are registered or are eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) shall make application to the licence agent for a kennel licence.

6.2 Application - information - requirements

All such applications shall be accompanied by the following information:

- (a) name and address of kennel owner;
- (b) location of kennel;
- (c) proof of zoning approval for said location;
- (d) applicable fee.
- (e) registered proof under the Animal Pedigree Act.

PART 7 FEES

7.1 Fees - set out - Fees By-law

Licence fees shall be set and approved by the Council of the municipality from time to time and are listed in Fees by-law adopted by Council.

7.2 Guide dogs - hearing ear dogs - exempted

Guide dogs within the meaning of the Blind Persons' Rights Act, and hearing ear dogs, where a certificate is produced from a recognized training establishment stating the dog is being used as a hearing assistance dogs, are exempt from the payment of all licence fees applicable pursuant to this by-law.

7.3 Working dogs for disable persons - exempted

Working dogs, where a certificate is produced from a recognized training establishment stating that the dog is being used as a working dog to assist a disabled person, shall be exempt from all licence fees applicable pursuant to this by-law.

7.4 Pound fees - payment - proof of ownership - required

Where a dog is claimed from the Poundkeeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog licence, and compensate the Poundkeeper.

PART 8 IMPOUNDING

8.1 Seizure - dog - running at large

The Poundkeeper or Animal control Officer shall, or any police officer may, seize any dog found running at large as defined in this by-law.

8.2 Seizure - delivery - to Poundkeeper

Every dog seized by a police officer shall forthwith be delivered to the Poundkeeper or to an Animal Control Officer.

8.3 Seizure - impounding

The Poundkeeper or Animal control Officer shall impound any dog seized by him or delivered to him by a police officer.

8.4 Capture - any dog - running at large - return to owner

The Animal Control Officer or By-law Enforcement Officer may capture all dogs running at large contrary to this by-law and may take them to the animal's owner or keeper, if known, or at the Animal Control Officer's or By-law Enforcement Officer's discretion, to the pound for impounding by the Poundkeeper.

8.5 Entry - upon land - Animal Control Officer

For purposes of section 8.4 of this by-law, an Animal Control Officer may enter onto any public property or may enter onto any private property and into the structures thereon with the consent of the owner or occupant.

8.6 Female - in heat - at large - impounding - up to 21 days

The Poundkeeper or the Animal Control Officer may impound any female dog found to be running at large and in heat until it is no longer in heat, but not exceeding 21 days.

8.7 Female - in heat - not released - exception

No female dog shall be claimed while it is in heat unless the owner makes arrangements subject to the approval of the Poundkeeper or Animal Control Officer for its confinement at any other place during heat.

8.8 Claim - within 3 calendar days

The owner or keeper of an animal impounded for being at large shall be entitled to redeem such animal within 3 calendar days from the time of impoundment, upon paying the Poundkeeper the applicable maintenance charges prescribed, any other damages, fines and expenses according to law.

8.9 Owner - to claim dog - before disposal

The owner of a dog that has been impounded shall, upon application to the Poundkeeper, claim the dog before the Poundkeeper is entitled to dispose of the dog according to the provisions of section 8.10 of this by-law.

8.10 Disposal - dog - not claimed - Poundkeeper - discretion

Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under this by-law, the Poundkeeper may retain the dog for such further time as he may consider proper and during that time the Poundkeeper may:

- (a) sell the dog for such price as he may consider proper;
- (b) euthanize the dog;
- (c) dispose of the dog in accordance with the Animals for Research Act.

8.11 Euthanasia - for humane - safety reasons

Where a dog that is captured or taken into custody is injured or in the opinion of the Poundkeeper, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer or other trained person appointed by the Poundkeeper, 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.

8.12 Euthanasia - dangerous dog - running at large

In the opinion of an Animal Control Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, the Animal Control Officer or other trained person appointed by the Poundkeeper, may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.

8.13 Veterinary services - required - payable by owner

Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Poundkeeper, the owner shall pay to the Poundkeeper 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.

8.14 Compensation - to dog owner - prohibited

No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanizing 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 Poundkeeper or the Town of Ingersoll.

**PART 9
ENFORCEMENT**

9.1 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a fine not exceeding Five Thousand (\$5,000) Dollars, exclusive of costs, for each offence, recoverable under the Provincial Offences Act.

9.2 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

**PART 10
REPEAL90**

10.1 By-law - previous

From the coming into force of this by-law, all by-laws, and all of the amendments thereto, of the municipality inconsistent with this by-law are hereby repealed.

**PART 11
ENACTMENT**

11.1 Effective Date

This by-law shall be effective January 1, 2002.

READ a first and second time in Open Council this 9th day of October, 2001.

READ a third and final time and passed in Open Council this 9th day of October, 2001.

Michael J. Hennessy

Edward A. Hunt, Clerk Administrator



BY-LAW NO. 01 - 3989

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In the Town of Ingersoll

INDEX

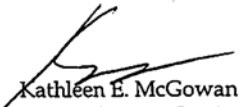
| | | PAGE |
|---------------|-----------------------------------------------|----------|
| PART 1 | DEFINITIONS | 1 |
| 1.1 | Definitions | 1 |
| PART 2 | ADMINISTRATION & ENFORCEMENT | 3 |
| 2.1 | Short Title | 3 |
| 2.2 | Boundaries | 3 |
| 2.3 | Servability | 3 |
| 2.4 | In Force | 3 |
| 2.5 | Administration | 3 |
| PART 3 | KEEPING OF DOGS | 3 |
| 3.1 | Maximum - 2 per premises | 3 |
| 3.2 | Guard Dogs - Industrial - Commercial Premises | 3 |
| 3.3 | Dogs - keeping - where number not limited | 3 |
| 3.4 | Puppies - number - not limited | 4 |
| 3.5 | Excrement - removal - disposal | 4 |
| 3.6 | Trespassing - without consent - by dog | 4 |
| 3.7 | Running at large - prohibited | 4 |
| PART 4 | LICENSING | 4 |
| 4.1 | Licensing agent - appointed - authorized | 4 |
| 4.2 | Registration - information - requirements | 4 |
| 4.3 | Licence - annually | 4 |
| 4.4 | Expiry - annual - December 31 | 4 |
| 4.5 | Tag | 4 |
| 4.6 | Dogs - more than two | 5 |
| 4.7 | Registration - not previously | 5 |
| PART 5 | DANGEROUS DOGS | 5 |
| 5.1 | Designation - notice - requirements | 5 |
| 5.2 | Notice - include | 6 |
| 5.3 | Notice - Hearing | 6 |
| 5.4 | Hearing - Council - decision | 6 |
| 5.5 | Requirement - imposed - prior to hearing | 6 |
| 5.6 | Notice - death - change of ownership | 6 |
| 5.7 | Ownership - transfer | 6 |
| 5.8 | Notices - delivery | 6 |
| PART 6 | KENNELS | 7 |
| 6.1 | Kennels- application | 7 |
| 6.2 | Application - information - requirements | 7 |
| PART 7 | FEES | 7 |
| 7.1 | Fees - set out - Fees by-law | 7 |
| 7.2 | Guide dogs - hearing ear dogs - exempted | 7 |
| 7.3 | Working dogs for disable person - exempted | 7 |
| 7.4 | Pound fees - payment - proof of ownership | 7 |

| | | |
|----------------|---------------------------------------------------|----------|
| PART 8 | IMPOUNDING | 7 |
| 8.1 | Seizure - dog - running at large | 7 |
| 8.2 | Seizure - delivery - to Poundkeeper | 7 |
| 8.3 | Seizure - impounding | 8 |
| 8.4 | Capture - any dog - running at large | 8 |
| 8.5 | Entry - upon land - Animal Control Officer | 8 |
| 8.6 | Female - in heat - at large - impounding | 8 |
| 8.7 | Female - in heat - not released - exemption | 8 |
| 8.8 | Claim - within 3 calendar days | 8 |
| 8.9 | Owner - to claim dog - before disposal | 8 |
| 8.10 | Disposal - dog - not claimed | 8 |
| 8.11 | Euthanasia - for humane - safety reasons | 8 |
| 8.12 | Euthanasia - dangerous dog - running at large | 8 |
| 8.13 | Veterinary services - payable by owner | 9 |
| 8.14 | Compensation - to dog owner - prohibited | 9 |
| PART 9 | ENFORCEMENT | 9 |
| 9.1 | Fine - for contravention | 9 |
| 9.2 | Continuation - repetition - prohibited - by order | 9 |
| PART 10 | REPEAL | 9 |
| 10.1 | By-law previous | 9 |
| PART 11 | ENACTMENT | 9 |
| 11.1 | Effective Date | 9 |

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. 01-3989, as amended, of the Town of Ingersoll, attached hereto are the set fines for those offences. This Order is to take effect on July 22, 2008.

Dated at London this 22nd day of July 2008.


Kathleen E. McGowan
Regional Senior Justice
West Region

TOWN OF INGERSOLL

PART I Provincial Offences Act

By-Law No. 01-3989, as amended by by-law 08-4426: Comprehensive Animal Control and Licensing By-law

| ITEM | Short Form Wording | Provision creating or defining offence | Set Fine |
|------|-----------------------------------------------------------------------------------|----------------------------------------|----------|
| 1. | Did keep more than 2 dogs per dwelling unit | Part 3, Section 3.1 | \$125.00 |
| 2. | Did keep young puppies with mother for a period exceeding 60 days following birth | Part 3, Section 3.4 | \$125.00 |
| 3. | Did fail to remove feces from municipal land or private property | Part 3, Section 3.5 | \$125.00 |
| 4. | Did permit dog to run at large | Part 3, Section 3.7 | \$125.00 |
| 5. | Did fail to obtain license for current year | Part 4, Section 4.3 | \$60.00 |

"NOTE: The general penalty provision for the offences listed above is Part 9, section 9.1 of By-Law No. 01-3989, as amended, a certified copy of which has been filed."