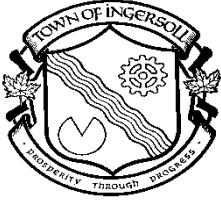


CONSOLIDATED BY-LAW



CORPORATION OF THE TOWN OF INGERSOLL BY-LAW NO.01-3989 As amended by By-Law 04-4200, By-Law 08-4426, By-Law 17-4942, By-Law 24-5352, By-Law 25-5412

A by-law to provide for the Regulation, Restriction and Prohibition of the Keeping and 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 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 I - 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

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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.

Dog Park – defined

“Dog Park” shall mean any area specifically designated by the Council of the Town of Ingersoll and shown on Schedule “B”.

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

No leash shall exceed three (3) meters in length except for the length of the leash for a “dangerous dog” and that leash shall not exceed a two-foot lead.

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 or designated dog park and not under the physical control of any person by means of a leash.

For the purpose of this section, a dog is deemed to be at large when:

- i) found on a highway or other public property or on private property other than the premises upon which it is habitually kept; and
- ii) not under the control of any person;
- iii) for the purpose of this section all animals shall be deemed not to be under the control of any person unless on a leash of not more than 3 meters in length.

PART II – ADMINISTRATION AND ENFORCEMENT

2.1 Short Title

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

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 Bylaw.

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 III – KEEPING OF DOGS

3.1 Maximum - 3 per premises

No person shall keep more than 3 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

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, no person shall keep young puppies 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.

3.8 Fighting or Attacking of Animals

No person shall permit his/her dog or animal to attack any domestic animal, bird or individual, or fight with another dog or animal.

PART IV – LICENSING

This section was deleted as per amending By-Law 25-5412

PART V - 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 (not more than a two-foot lead) such a 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:

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(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 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.

5.7 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 VI – 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 VII – 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 VIII – 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. Page 9

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 IX – 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 X – REPEAL

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 XI – ENACTMENT

11.1 Effective Date

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

PART XII – ULTRA VIRUS SECTIONS OR PARTS

12.1 Ultra Virus Sections or Parts

Should any section of the By-Law be declared by a court of competent jurisdiction to be ultra virus, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section had been struck out.

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

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

ORIGINAL SIGNED

Michael J. Hennessy, Mayor

ORIGINAL SIGNED

Edward A. Hunt, Clerk Administrator

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SCHEDULE 'A'
TOWN OF INGERSOLL
MUNICIPAL PERMIT
FOR TEMPORARY HOUSING
OF A DOG

NAME OF PROPERTY OWNER:	PHONE NUMBER:
ADDRESS:	

NAME OF DOG OWNER:	PHONE NUMBER:
ADDRESS:	

NAME OF DOG:	BREED OF DOG:
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REASON FOR ACCOMODATION:

DURATION OF ACCOMODATION:
_____ DAY(S) _____ WEEK(S) _____ MONTHS(S)
(MAXIMUM 2 MONTHS PER 12 MONTH PERIOD)

PERMIT EXPIRES:

Authorized By:

CLERK or designate

TOWN OF INGERSOLL
PART I Provincial Offences Act

By-Law No.01-3989, as amended by By-Law 04-4200, By-Law 08-4426, By-Law 17-4942, By-Law 24-5352, By-Law 25-5412

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Did keep more than 3 dogs per dwelling	Part 3, Section 3.1	\$125.00
2	Did keep young puppies with mother for a period not 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

Note: The general penalty provision for the offences listed above is Part 9, section 9.1 of By-Law 01-3989, as amended, a certified copy of which has been filed.

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- 1) Designated area in John Lawson Park

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