

## CHAPTER 35

### DOGS

#### Definitions

1. In this By-law:
  - (a) “Municipal Staff” means the Municipality’s ~~Dog~~ **Animal** Control Officer or a person appointed by the Chief Administrative Office or Council to act on the Municipality’s behalf for the purpose of this By-law, and includes the Pound Keeper;
  - (b) “Dog” means any dog, male or female, or any animal that is the result of the breeding of a dog and any other animal;
  - (c) “Owner” means the owner of a dog and any person who processes, has the care or control of, or harbours a dog and, where such a person is a minor, includes a parent guardian or custodian of such a person;
  - (d) “Development Areas” means the area or areas within the Municipality defined as “Area 1” pursuant to Schedule “A” to the Municipality’s Subdivision By-law from time to time.
  - (e) “Extraordinary Expense” means any expense incurred by Municipal Staff in relation to a dog except for provision of food and shelter.
  - (f) **“Pound Keeper” means Municipality or contracted agreement with a provider.**

#### Registration

2. On or before the 10<sup>th</sup> day of January in each year the owner of any dog shall register such dog with the Municipal Staff and obtain from the Municipal Staff a tag for such dog.
3. Every owner of a dog shall, within ten (10) day of having become owner, register such dog with Municipal Staff and obtain from Municipal Staff a tag for such dog.
4. In order to register a dog, an owner shall pay the annual registration fee as set by Council from time to time in a recorded resolution and shall supply Municipal Staff with the following:
  - (a) Name, civic address, mailing address and telephone number of the owner;
  - (b) Name and breed of the dog;

- (c) description of the dog including whether the dog is male or female, spayed or unspayed or neutered or unneutered as the case may be; and, at the discretion of the owner, the following additional information may be supplied:
  - ~~(d) — A photograph of the dog;~~
  - ~~(e)~~(d) Identification information such as micro-chip implants, tattoos or other special markings; and
  - ~~(e) — The name of the veterinary clinic frequented by the dog and veterinary file ID number.~~
  - (e) Emergency or alternate contact in the event the dog has been found.
- 5. Registration shall be effective until the last day of December in the year of registration.
- 6. The registration fee shall be in such amount as Council may authorize by resolution, and where the owner acquires ownership of the dog after June 30 he shall be charged one-half of the dog registration fee in the year of acquisition with proof of acquisition.
- 7. The following are exempt from registration:
  - (a) the Municipal Staff or Pound Keeper or Colchester Chapter of the SPCA shall not be required to register a stray that they are harbouring for a maximum of 30 days;
  - (b) a dog shall be exempt from registration and registration fees in the event the owner proves that the dog is under the age of three months; and,
  - (c) if Council authorizes by recorded resolution a fee to be paid by the owner of a kennel of pure-bred dogs that are registered with the Canadian Kennel Association as an annual tax upon the kennel, upon payment of such fee the owner of the kennel is exempt from any further fee in respect to dogs kept at the kennel that year.
- 8. The owner of every dog shall keep on the dog, a collar with the tag issued for that dog by Municipal Staff at the time of registration and such tag shall be kept securely fixed on the dog at all times during the year until a replacement tag is issued.
- 9. The owner of a dog shall deliver in writing to the Municipal Staff a statement of the number of dogs owned or harboured, or that are kept upon the premises occupied by the owner within ten (10) days after having received notice requiring it to be provided.

#### Dog Control and Pound

- 10. Municipal Staff or another person or agency appointed by Council shall be responsible for

the enforcement of this By-law.

11. Council shall appoint a Pound Keeper who shall:
  - (a) Collect on behalf of the Municipality any Impounding Fees, Daily Pound Fees and any other additional charges or fees as are authorized in this By-law and as may be set by resolution of Council (~~see last page for current resolution~~) and found in the **Municipal Fees Policy**;
  - (b) Be responsible for the operation of the pound;
  - (c) Provide adequate food and water to impounded dogs;
  - (d) Keep the pound in a reasonable state of cleanliness;
  - (e) Keep the pound premises neat and tidy in appearance.
  - (f) **Ensure any dogs that have been impounded do not leave the premises until they have been registered with the Municipality and all dues paid.**
  - (g) **Supply monthly and annual reports to the Municipality of dogs kept, the duration of their stay, and the fate of such animal.**

#### Dog Running At Large

12. Any dog which is off the premises occupied by the owner without being under the apparent restraint or control of some person shall be deemed to be running at large for the purposes of this By-law.
13. In Development Areas the owner of a dog shall, while the dog is off the property occupied by the owner, keep the dog under control by means of a harness or leash, and the dog shall be deemed to be running at large where the owner fails to use such apparatus.

#### Fierce or Dangerous Dogs

14. For purposes of this By-law a dog that is fierce or dangerous means any dog
  - (a)
    - (i) that, in the absence of a mitigating factor as defined herein, has attacked or injured a person;
    - (ii) that, in the absence of a mitigating factor as defined herein, has injured a domestic animal;
  - (b) owned or harboured in whole or in part for the purpose of dog fighting;

- (c) trained for dog fighting;

provided that no dog shall be deemed fierce or dangerous if it is a professionally trained guard dog while lawfully engaged for law enforcement.

15. "Mitigating Factor" means a circumstance which ~~excuses~~ **may excuse** the aggressive behaviour of a dog where:
- (i) the dog, at the time of the aggressive behaviour, attacked or injured any trespasser on property occupied by its owner;
  - (ii) the dog, immediately prior to the aggressive behaviour, was being abused or tormented by the person attacked or injured;

#### Responsibilities of Owners

16. Every owner of a dog
- (a) whose dog runs at large;
  - (b) whose dog is not wearing a tag required by this By-law;
  - (c) whose dog is not registered pursuant to this By-law;
  - (d) whose dog persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;
  - (e) who neglects or refuses to provide a written statement required by this By-law;
  - (f) who harbours, keeps, or has under care, control or direction a dog that is fierce or dangerous;
  - (g) who fails to remove the faeces of a dog, other than a dog that is trained to assist and is assisting a person with a disability, from public property or private property other than the owners;

is guilty of an offence.

#### Impounding

17. Municipal Staff may, without notice to or complaint against the owner, impound any dog that:
- (a) runs at large contrary to this By-law;

- (b) is not wearing a tag required by this By-law;
  - (c) is not registered pursuant to this By-law;
  - (d) is fierce or dangerous;
  - (e) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
  - (f) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.
18. Council, by resolution, may set an Impounding Fee and a Daily Pound Fee (see last page for current resolution).
19. Subject to Section 24 to 27 of this By-law, except in the case where a dog is impounded for being fierce or dangerous, or is rabid or exhibits symptoms of canine madness, the owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog after payment to the Pound Keeper of any Impounding Fee, Daily Pound Fee, along with reimbursement for any Extraordinary Expenses, **including veterinarian costs if warranted**, incurred by the Municipal Staff **or other provider** in relation to the dog.
20. In the case of redemption of a dog which has not been registered pursuant to this By-law, the owner shall also be required to register the dog and pay the registration fee before being allowed to redeem the dog.
21. Any dog which has not been redeemed by its owner at the expiry of a period of 72 hours after being impounded may be given away, ~~sold or killed~~ **or sold** by the Pound Keeper and, if sold, the proceeds shall belong to the Municipality.
22. Whenever the 72 hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the owner to redeem the dog.
- 23. Municipal Staff may give away or sell any dog captured for running at large provided its owner has been provided written warnings for at least two previous instances of the dog running at large.**

#### Notice

- 23:24.** Upon any dog being impounded the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall make at least one attempt to contact the registered owner of the dog using the tag number on the records of Municipal Staff. Provided, however, that if a dog is missing the onus is on the owner of the dog to ascertain within the time period provided for impounding under this By-law, whether the dog has been impounded.

Killing Euthanasia

- 24.25. Municipal Staff may, without notice to or complaint against the owner, ~~kill~~ euthanize on sight or after capture any dog that:
- (a) is fierce or dangerous;
  - (b) is rabid or exhibits symptoms of canine madness.
  - (c) is sick or injured beyond reasonable treatment.
25. ~~Municipal Staff may, after two written warnings have been given to the owner that a dog has been running at large or eluding capture, kill such dog on sight or after capture.~~
26. Municipal Staff may, ~~kill on sight~~ euthanize on sight or after capture any dog that is running at large and which the ~~Dog~~ Animal Control Officer believes, on reasonable and probable grounds, to pose a danger to a person or a domestic animal or to property of persons other than the owner.

Repeal

27. All previously enacted Dog By-laws of the Municipality are hereby repealed.

---

**Council Resolution  
June 29, 2006**

~~“Council approves that the Impounding Fee be set at \$30.00 and the Daily Pound Fees be set at \$10.00 as authorized by Section 18 of Chapter 35 Dog By-law of the Municipality of the County of Colchester.”~~

---

Amendment to this By-law approved on:

May 26, 1958

January 15, 1969

December 17, 1986 (Council) - January 13, 1987 (Minister of Municipal Affairs)

May 31, 1988 (Council) - February 13, 1990 (Minister of Municipal Affairs)

November 28, 1996 (Council) - December 7, 1996 (advertised)

June 29, 2006 (Council set fees by resolution)