

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 57-2015

Being a by-law to amend By-law 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 providing for the registration, regulation and licensing 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 OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. That Part I, 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) hour 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 Subsection 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