

# THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

## BY-LAW NUMBER 37-2009

A By-law to Regulate the Control of Dogs within the  
Municipality of Lambton Shores

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**WHEREAS:** The Council of the Municipality of Lambton Shores deems it expedient to regulate the control and keeping of dogs within the Municipality of Lambton Shores.

**THEREFORE:** Pursuant to the pertinent sections of the Municipal Act, the Municipal Council of the Corporation of the Municipality of Lambton Shores enacts as follows:

### **PART I      GENERAL**

1. For the purposes of this By-law:

**“Act”** means the Dog Owners’ Liability Act, R.S.O. 1990, as amended in 2005, and its regulations.

**“Animal Control Officer”** includes the person or business that has entered into a contract with the Municipality of Lambton Shores to control dogs as assigned, and any employee of such a person or business.

**“By-Law Enforcement Officer”** means a person duly appointed by the Corporation of the Municipality of Lambton Shores for the purpose of enforcing or carrying out the provisions of Municipal by-laws.

**“Dog”** unless the context indicates otherwise means a male or female dog, whether or not it is spayed or neutered.

**“Dog Kennel”** means any building, pen or other structure, but not including a building used for human habitation, in which a dog or dogs are kept, whether or not for breeding or boarding and in respect of which the owner has or is eligible to have issued by the Clerk or By-law Enforcement Officer of the Municipality of Lambton Shores, a kennel license pursuant to the regulations.

**“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. “Owns” or “owned” have a corresponding meaning.

**Pit Bull”** as defined in the Act includes,

- (a) a pit bull terrier,
- (b) a Staffordshire bull terrier,

- (c) an American Staffordshire terrier,
- (d) an American pit bull terrier,
- (e) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (a) to (d); ("pit-bull")

**"Person"** includes any partnership, any body corporate or politic, any agent or trustee and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

**"Residential Area"** means any area within the Municipality of Lambton Shores designated as "residential" in the Lambton Shores Zoning By-law, as amended.

**"Restricted Pit Bull"** means a Pit Bull owned by a resident of Ontario the day the *Public Safety Related to Dogs Statute Law Amendment Act 2005* came into force (August 29, 2005), or a pit bull puppy born in Ontario before the end of the 90 day period from the day the said Act came into force.

**"Redemption Period"** means the period of time within which the owner of a dog that has been impounded has the right to redeem it and such period shall be **three days**, exclusive of the day the dog was impounded, and exclusive of Saturday, Sunday or Holidays.

**"Running at Large"** a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.

## **PART 2 - PROHIBITING RUNNING AT LARGE**

**WHEREAS:** The Council has the right under the Municipal Act, as amended, to pass by-laws for the control of dogs within the Municipality or in any defined area thereof:

**THEREFORE:** the Council of the Municipality of Lambton Shores enacts that:

1. No owner of a dog shall permit his or her dog to run at large within the Municipality of Lambton Shores at any time.
2. Any dog found running at large may be seized and impounded. An owner can redeem his or her dog after payment of the appropriate fines and the pound fees as listed in Schedule "B". If, after the expiration of the redemption period, a dog has not been claimed, the pound keeper may find an alternative home, or if necessary, humanely euthanize and cremate the dog.
3. In the event that a dog is running at large and cannot be captured, and, in the opinion of the Animal Control Officer, it poses a threat to persons or other dogs or animals, it may be killed forthwith by the Animal Control Officer if it is deemed necessary and in the interests of public safety to kill such an dog.
4. If a dog is captured, and the owner can be identified, the Animal Control Officer may contact the owner and the dog may be returned prior to the dog being delivered to the

pound, upon payment of a redemption fee in the amount prescribed in Schedule “B”.

5. When a dog is impounded, and the owner is known, and it is alleged that the by-law has been contravened with respect to dogs running at large and the payment of the applicable fines and pound fees are not made voluntarily, the fine is recoverable under the “Provincial Offences Act”.

### **PART 3 - CONTROL OF DOGS**

6. Within the Municipality of Lambton Shores, no owner of a dog shall fail to keep his or her dog leashed when not on the owner’s property.

7. No person shall fail to remove excrement left by his/her dog in any place within the Municipality other than the premises of the owner of the dog.

8. No person may keep upon or in any lands or premises within the Municipality of Lambton Shores more than two (2) dogs, unless a kennel license has been obtained in accordance with Part 4 of this by-law. However; any young born upon or in such lands or premises may be kept there for a period not exceeding twelve (12) weeks after birth.

### **PIT BULLS**

9. All Pit Bulls within Lambton Shores must be:

- a. a “restricted dog” that was registered in the Municipality in accordance with the requirements of the Dog Owners Liability Act;
- b. kept in compliance with the Dog Owners Liability Act, and its Regulations;
- c. neutered or spayed;
- d. secured by a leash not longer than 6 feet (1.82 metres) in length, and muzzled when not securely confined within an enclosed property occupied by the owner of the pit bull.

A dog is “securely confined within an enclosed property” in an outside area when it meets the following minimum standards:

- i) The pen shall be suitable to prevent the escape of the dog and capable of preventing the entry of any person not in control of the dog;
- ii) Must have minimum dimension of two metres by four metres and must have secure sides and secure top;
- iii) If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep;
- iv) the pen shall also provide protection from the elements for the dog;

v) the pen shall not be within three metres of the property line or within three metres of a neighbouring dwelling unit;

**PART 4 DOG KENNELS, RUNS, ETC**

11. No person shall operate a kennel without a kennel licence.

12. No dog kennel may be established or maintained in an area zoned residential in the Municipal Zoning by-law, nor be constructed or located within thirty (30) metres of any building used for human habitation on an adjacent lot.

13. No kennel will be constructed without an approved site plan agreement with the Municipality.

14. Where any person establishes a dog kennel, structure, enclosure, pen or run in which a dog or dogs are kept, such kennel, structure, enclosure, pen or run shall be kept in a clean and sanitary condition and free of refuse of any kind at all times so as to prevent odours and shall be kept free of flies or vermin at all times.

**PART 5 POUND KEEPING**

15. The Municipality of Lambton Shores shall provide and maintain or cause to be provided and maintained a dog pound or pounds in which stray dogs may be impounded and in which a dog found running at large contrary to the provisions of this By-law may be impounded for the duration of the redemption period until claimed by its owner or disposed of by the keeper of the pound.

**PART 6 PENALTY SECTION**

16. Any person who breaches a section of this By-law is guilty of an offence and subject to a penalty as provided under the "Provincial Offences Act".

17. This By-law repeals all previous by-laws in the Municipality of Lambton Shores and its predecessor Municipalities, on the day the set fines for offences have been approved.

READ A FIRST AND SECOND TIME THIS 6<sup>th</sup> DAY OF JULY 2009.

READ A THIRD TIME AND FINALLY PASSED THIS 6<sup>th</sup> DAY OF JULY 2009.

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MAYOR - Gord Minielly

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CLERK - Carol McKenzie

**SCHEDULE "A"**  
**TO BY-LAW 37/2009**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided in the Provincial Offences Act.

**SCHEDULE "B"**  
**TO BY-LAW 37-2009**

**REDEMPTION FEES**

In addition to any fines that are imposed, the redemption fees as described shall be:

**Prior to the dog being delivered to the Municipal Pound:**

Payable to the Municipality of Lambton Shores: \$ 25.00

**If dog is taken to Sarnia Humane Society:**

Payable to the Municipality:	Administrative fee:
	1 <sup>st</sup> Offence \$25.00 plus \$ 8.00 per day
	2 <sup>nd</sup> Offence \$75.00 plus \$ 8.00 per day
	3 <sup>rd</sup> or more offence \$200.00 plus \$8.00 per day

Payable to the Humane Society:	\$25.00 per first day boarding for dogs
	Second day
	\$ 10.00 per day boarding for dogs

**The Corporation of the Municipality of Lambton Shores  
Part 1 Provincial Offences Act  
By-law 37 of 2009**

**Title: A By-law Regarding the Control of Dogs**

<b>Municipality of Lambton Shores</b>		<b>By-law 37 of 2009</b>	<b>Title: Dog Control By-law</b>			
<b>ITEM</b>	<b>COLUMN 1 Short term Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Fine</b>	<b>COLUMN 4 VSC</b>	<b>COLUMN 5 CC</b>	<b>COLUMN 6 Total</b>
1.	Owner – permit To run at large	Section 1	\$76.00	\$25.00	\$5.00	\$101.00
2.	Owner – Failed to leash Animal	Section 6	\$76.00	\$25.00	\$5.00	\$101.00
3.	Owner – Failed to remove Excrement	Section 7	\$76.00	\$25.00	\$5.00	\$101.00
4.	Keep more than 2 dogs without a kennel licence	Section 8	\$76.00	\$25.00	\$5.00	\$101.00

The penalty provision for the offence indicated above is Part 6, Section 17 of By-law 37 of 2009, a certified copy of which has been filed.