

**THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX**

**BY-LAW NO. 2023/064**

**A By-law to Regulate the Keeping, Registration, Licensing, Control and Welfare of certain classes of animals in the Municipality of Southwest Middlesex**

**Whereas** section 11 (2), paragraph 6 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

**And Whereas** section 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a by-law to regulate animals;

**And Whereas** section 11(2) paragraph 8 and section 11(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass by-laws respecting animals and the protection of persons and property;

**And Whereas** section 8 (3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to provide for a system of licences with respect to animals;

**And Whereas** section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to delegate its powers and duties;

**And Whereas** the Council of the Corporation of the Municipality of Southwest Middlesex deems it necessary and expedient to regulate the keeping of dogs, cats and other animals in the Municipality of Southwest Middlesex;

**Now Therefore the Council of the Corporation of the Municipality of Southwest Middlesex hereby enacts as follows:**

**1. Definitions**

1.1 In this By-law:

**“Agricultural Property”** means any lands designated as an agricultural zone under the provisions of the Municipality’s zoning by-law where the predominant use is for agricultural purposes;

**“Animal”** means any member of the animal kingdom, other than a human;

**“Building”** means a building as defined in the Building Code Act, as amended or a structure or any part thereof used or intended to be used for supporting or sheltering any use or occupancy;

**“Cat”** means a regular domestic cat;

**“Clerk”** means the Clerk for the Municipality or any person designated by the Clerk;

**“Committee”** means the Appeal Committee as appointed by Council for the Municipality or other Committee appointed pursuant to this By-law;

**“Dog”** means a domestic dog;

**“Dwelling Unit”** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities;

**“Farm Dog”** means a dog which is actively herding farm animals on agricultural property, such as cattle or sheep;

**“Harbour or Harboured”** shall include keeping or possessing for any period of time, whether temporary or not;

**“Hunting Dog”** means a dog licensed by the Ministry of Natural Resources for the purpose of hunting moose, deer or raccoons;

**“Kennel”** means a place where four (4) or more dogs are boarded, housed, trained, exercised, bred, sold, cared for, kept or harboured and shall include a commercial kennel as defined in the Municipality’s Zoning By-law but shall not include:

- (a) a veterinary clinic;
- (c) a pound or an animal shelter operated by or on behalf of the Municipality for impounding animals;
- (d) a pet store;
- (e) a facility in which animals are placed for care pursuant to the Pounds Act, R.S.O. 1990, c. P.17, as amended;
- (f) a facility registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended;
- (g) any premise licensed under any Statute of the Legislature of Ontario of the Government of Canada which permits the keeping of dogs under certain conditions.

**“Keep” or “Kept”** shall include harbouring or possessing for any period of time, whether temporary or not;

**“Leash”** means a leash, chain, rope, cord, chain or other similar device, which is used, designed and capable of being held by a person and is used and designed to restrain a dog;

**“Leash Free Park”** means a park owned by the Municipality where a dog is permitted to be off a leash;

**“Licence”** means a licence issued by the Municipality pursuant to this By-law;

**“Licensee”** means a person issued a kennel licence pursuant to this By-law;

**“Microchip”** means a device, designed to an approved Canadian standard, implanted in an animal, containing a unique code that permits or facilitates access to information such as the name and contact

information of the animal's owner;

**"Mitigating factor"** means a circumstance which excuses the bite from a dog and without limiting the generality of the following, may include circumstances where:

- a) The dog was, at the time, acting in defence to a physical attack from a person or domestic animal;
- b) The dog was, defending its young;
- c) The dog was, being teased, provoked, tormented;
- d) The person bitten was in the act of committing an act not permitted under Law or Act, such as trespassing, or burglary;
- e) The dog was, conducting its duties as part of a police enforcement team.

**"Municipality"** means the Corporation of the Municipality of Southwest Middlesex or the land within the geographic limits of the Corporation of the Municipality of Southwest Middlesex as the context requires;

**"Noise"** means a sound that at the point of reception is likely to disturb the inhabitants;

**"Officer"** means an animal control officer, a pound keeper and its employees, the Ontario SPCA Officers, police officer, municipal law enforcement officer, the Medical Health Officer or other person appointed by by-law to enforce the provisions of this By-law;

**"Owner"** shall mean any person who keeps or harbours a dog, cat or animal and where the owner is a minor, the person responsible for the custody of the minor;

**"Person"** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

**"Police Work Dog"** means a dog trained for and engaged in law enforcement by any Federal, Provincial or municipal government or government agency;

**"Pound"** means any premise or facility or part thereof used by the Municipality for the temporary housing or boarding of animals that have been impounded pursuant to this By-law;

**"Pound Keeper"** means any person retained by the Municipality to provide a pound;

**"Property"** means a parcel of land which is capable of being legally conveyed;

**"Property Line"** means any boundary of a property or its vertical projection;

**"Registration or Registered"** means a record of ownership and of the keeping of an animal pursuant to this By-law;

**"Service Dog"** means a dog trained to assist a visually impaired person or a person with a physical or mental disability or a medical condition;

**"Settlement Area"** means the same as defined in the Southwest Middlesex Zoning By-law.

**“Tag”** means a tag issued by the Municipality;

**“Veterinary Clinic”** means a building, land or vehicle or any combination of them used or intended to be used as a place in or from which to engage in the practice of veterinary but does not include a commercial kennel as defined in the Municipality’s Zoning By-law;

**“Zoning By-law”** means any by-law administered by the Municipality passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

## **2. Application and General**

2.1 This by-law shall apply throughout the whole of the Municipality.

2.2 No person shall permit a dog to make a noise by barking, howling or whining.

2.3 No owner shall permit a dog to bite or attack any person, domestic animal, pet without a mitigating factor.

2.4 No person shall keep or harbour or permit to be kept or harboured at any one time, more than two (2) dogs on a property or per dwelling unit in a settlement area, three (3) dogs on a property or per dwelling unit in the rural areas, and three (3) cats in a settlement area.

2.5 Section 2.4 and 2.9 do not apply to the:

(a) Pound;

(b) Owner of a:

(i) a licensed kennel;

(ii) a veterinary clinic;

(iii) a pet store;

(iv) a pound or an animal shelter operated by or on behalf of the Municipality for impounding animals;

(v) a facility in which animals are placed for care pursuant to the Pounds Act, R.S.O. 1990, c. P.17, as amended;

(vi) a facility registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended;

(c) Limits of cats living in agricultural buildings;

(d) A Fostering Cat Owner who owns, keeps, possesses, harbours, or acts as a guardian of a domestic cat on a temporary basis, for a period of up to two years, until a permanent owner can be found. The Fostering Cat Owner shall be considered the owner of the cat under this by-law while the cat is under their care;

(e) Owners of a litter of cats or dogs up to the age of six months.

- 2.6 No person shall own or keep a dog over the age of twelve (12) weeks without a current valid dog licence.
- 2.7 An owner of a dog shall keep the tag issued by the Municipality securely fixed on the dog for which it was issued at all times.
- 2.8 No person shall:
- (a) affix a tag to any dog other than the dog for which it was issued;
  - (b) remove a tag except to replace it with a current or valid tag; or
  - (c) remove a tag except while the dog is being lawfully used for hunting.
- 2.9 No person shall own or operate a kennel without a current valid kennel licence.
- 2.10 No person shall own or operate a kennel other than in accordance with the terms, conditions and standards of a licence and this By-law.
- 2.11 No person shall keep or cause to be kept an animal identified as prohibited in Schedule A to this By-law.
- 2.12 No person shall own, keep or harbour a prohibited grandparented animal unless it is registered in accordance with section 9.
- 2.13 No person shall own, keep or harbour a prohibited grandparented animal other than in accordance with the terms and conditions imposed by the Clerk and this By-law.
- 2.14 No person shall alter or modify or permit the alteration or modification of a licence.
- 2.15 No person shall use, or attempt to use a licence issued to another person.
- 2.16 Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Municipality is guilty of an offence.
- 2.17 No person who is issued a kennel licence pursuant to this By-law shall contravene any provision set out in this by-law, any other municipal by-law, federal or provincial Act, Statute, or any other legislation applicable to a kennel licence.
- 2.18 No person shall dispose of or bury an animal on Municipal property or Municipal land.
- 2.19 No person shall create a situation where an animal is likely to be in distress, as determined by an Officer because of:
- (a) confinement by that person; or
  - (b) the number of animals being kept by that person.

### **3. Licences and Registration**

- 3.1 The Clerk is hereby delegated authority to issue licences and register animals in accordance with the provisions of this By-law.
- 3.2 The Clerk is hereby delegated authority to impose additional terms and conditions to a kennel licence and on an owner of a prohibited grandparented animal that in the opinion of the Clerk are reasonable and taking into consideration:
- (a) health, safety and welfare of animal;
  - (b) health, safety and well-being of persons;
  - (c) health, safety and welfare of other animal;
  - (d) the impact on a neighbouring property or neighbouring property owner.
- 3.3 A licence or registration automatically expires and becomes null and void upon the sale, death or other disposal of an animal to which such licence and registration applies.
- 3.4 A licence issued by the Municipality is non-refundable.
- 3.5 A licence issued pursuant to this By-law is valid for the life of the animal in which it is issued.
- 3.6 A kennel licensee shall notify the Municipality within fifteen (15) days of any changes to the:
- (a) business name;
  - (b) location of the business premises;
  - (c) ownership of the business

and such changes shall be subject to submission of the necessary documentation to the Municipality.

- 3.7 A kennel licensee shall display a licence in a conspicuous place on the licensed property visible to the public at all times.
- 3.8 A kennel licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 3.9 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

### **4. Dogs – Application for a Licence**

- 4.1 Every owner of a dog over the age of twelve (12) weeks that comes into his or her possession shall immediately obtain a licence for the dog.
- 4.2 An owner of a dog making an application for a dog licence shall submit:

- (a) a complete application in the form provided by the Municipality,

## **5. Dog – Licence**

- 5.1 A dog licence in the form of a dog tag shall be issued where the Clerk is satisfied that the requirements of this By-law have been met.
- 5.2 An owner of a dog may obtain a replacement dog tag upon payment of the prescribed fee.

## **6. Dogs – Leashes and at Large**

- 6.1 No owner of a dog shall permit a dog to be at large in the Municipality except in a Leash Free Park.
- 6.2 A dog is deemed to be running at large if the dog is not:
  - (a) on its owner's property;
  - (b) on other property with the consent of the owner or occupant;
  - (c) in a designated off-leash area;
  - (d) securely confined in a vehicle or other enclosure; or
  - (e) securely leashed and in the custody of someone able to control it.
- 6.3 Sections 6.1 and 6.2 of this By-law shall not apply to a:
  - (a) police work dog, or a service dog while actively engaged in the performance of its trained duties;
  - (b) hunting dog while hunting pursuant to provincial regulations;

## **7. Impoundment**

- 7.1 An officer may seize and impound an animal found running at large and may apprehend an animal.
- 7.2 Where an animal is seized and is injured or should be euthanized without delay for humane reasons or for reasons of safety to persons or animals, an officer may euthanize the animal, or have the animal euthanized in a humane manner as soon after seizure as the officer thinks fit without permitting any person to reclaim the animal.
- 7.3 Where the owner of an animal is known, the Pound Keeper shall make reasonable efforts to notify the owner that the animal has been impounded.
- 7.4 Where an animal is seized and impounded, the Pound Keeper shall return it to the owner provided that:
  - (a) the owner claims possession of the animal within three (3) days (excluding Sundays and holidays) after the date of seizure; and
  - (b) the animal can be lawfully returned; and

- (c) upon payment of any applicable licensing and registration fees; and
  - (d) upon payment of the impound and boarding fees.
- 7.5 The owner of an animal impounded, if known, whether or not the animal is claimed by the owner from the pound, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand by the Municipality's Pound Keeper.
- 7.6 Where at the end of three (3) days excluding Sundays and holidays an animal has not been returned to the owner, the pound keeper may dispose of the animal in accordance with the provisions of the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended.
- 7.7 All monies received for the sale or adoption of unclaimed animals shall become the property of the Municipality, or the pound keeper, as agreed to by the Municipality. However, in the event where the Municipality has entered into a contract, the terms of the contract shall prevail.

## **8. Prohibited Animals**

- 8.1 The keeping or harbouring of an animal identified in Schedule A to this By-law is hereby prohibited.
- 8.2 Notwithstanding Section 8.1 an animal identified as prohibited in Schedule A to this By-law may be kept or harboured:
- (a) at a special event approved by the Municipality;
  - (b) at an institution accredited by the Canadian Association of Zoological Parks and Aquariums;
  - (c) at a premise licensed or exempt under the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended;
  - (d) by a person licensed, exempt or otherwise expressly permitted by provincial or federal legislation.
- 8.3 Notwithstanding section 8.1, no person shall keep an animal that is prohibited by or under any federal or provincial legislation.

## **9. Prohibited Grandparented Animals**

- 9.1 Any person who harbours or keeps a prohibited animal shall remove the prohibited animal, or make application and provide to the Clerk proof that the prohibited animal was lawfully owned prior to the prohibition within 90 days of the passing of this By-law.
- 9.2 The Clerk upon considering those animals that were prohibited by this By-law, and being satisfied that the prohibited animal was lawfully owned prior to the prohibition may deem the prohibited animal to be grandparented.
- 9.3 The Clerk, upon deeming a prohibited animal to be grandparented shall enter information pertaining to



the prohibited animal and its owner into a registry of prohibited grandparented animals.

- 9.4 The Clerk may impose additional terms or conditions on the keeping or harbouring of any prohibited grandparented animal (e.g. housing).
- 9.5 Any person who moves a prohibited grandparented animal to a location other than the one on file with the Municipality, shall notify the Clerk of the new location within the Municipality within forty-eight (48) hours after the prohibited grandparented animal is moved.
- 9.6 A prohibited grandparented animal may be kept until it dies or has otherwise been disposed of.
- 9.7 A person who has a prohibited grandparented animal that dies or is otherwise disposed of shall notify the Clerk within forty-eight (48) hours of its death.

## **10. Restricted - Animals**

- 10.1 No person shall keep, or cause to be kept, a chicken, hen, rooster, horse, donkey, pony, mule, turkey, quail, llama, alpaca, cow or steer, goat, sheep, duck, goose, or livestock as defined by the Municipal Zoning By-law, on a property except on agricultural property.

## **11. Unsanitary Conditions**

- 11.1 No person shall keep an animal within the Municipality in an unsanitary condition.
- 11.2 For the purposes of Subsection 12.1, an animal is kept in an unsanitary condition where the keeping of the animal results in the accumulation of fecal matter, an odour, insect infestation or rodent attractants, and where the accumulation of any of the aforementioned endanger or are likely to endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.

## **12. Removal of Excrement**

- 12.1 Every owner of a dog shall immediately remove excrement left by the dog on property anywhere within the Municipality.
- 12.2 Subsection 12.1 does not apply for farm dogs on their owner's farm property.

## **13. Kennel – Application for a Licence**

- 13.1 Every calendar year, an owner of a kennel shall obtain a kennel licence from the Municipality prior to 31<sup>st</sup> day of January of each calendar year, unless the kennel came into the owner's possession after that date.

13.2 Where a kennel comes into the possession of an owner after the 31st day of January they shall immediately obtain a kennel licence.

13.3 A Person making an application for a kennel licence shall:

- (a) submit a complete application in the form provided by the Municipality;
- (b) submit an accurate plan of the property showing:
  - (i) the location of buildings, structures, septic system, tile bed and well in relation to property lines;
  - (ii) the location of dog runs, waste containment, acoustical barriers, training areas and any other facilities to be used for kennel purposes in relation to property lines;
  - (iii) the distance between buildings and their existing uses situated on adjacent properties.
- (c) submit in the case of a boarding kennel, proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for the term of the kennel licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Municipality by the insurance underwriter;
- (d) submit when applicable the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
- (e) submit any other documents or studies as may be required by the Municipality to the satisfaction of the Municipality;
- (f) submit the required kennel licence fee.

13.4 In addition to the above, a Person making an application for a kennel licence with over 10 dogs shall:

- (a) submit a site control plan based on a legal survey prepared by a licensed professional engineer or Ontario Land Surveyor, showing:
  - (i) the location of buildings, structures, septic system, tile bed and well in relation to property lines;
  - (ii) the location of dog runs, waste containment, acoustical barriers, training areas and any other facilities to be used for kennel purposes in relation to property lines;
  - (iii) the distance between buildings and their existing uses situated on adjacent properties;
  - (iv) the location of an adequate parking area.
- (b) submit to the satisfaction of the Municipality a noise evaluation study prepared by a qualified acoustical consultant.

13.5 In addition to the above, the Clerk may require a Person making an application for a kennel licence

to provide a noise evaluation study prepared by a qualified acoustical consultant at any time as a result of noise complaints received by the Municipality.

#### **14. Kennel – Licence**

14.1 A kennel licence shall be issued by the Clerk:

- (a) upon the requirements of this By-law being met;
- (b) upon the requirements of the Municipality's zoning by-law being met;
- (c) subject to the completion of an inspection by the Municipality to its satisfaction.

#### **15. Kennel – Terms, Conditions and Standards**

15.1 A kennel licence is subject to the terms, conditions and standards set out in this By-law.

15.2 Every dog shall be inoculated with a valid anti-rabies vaccine and certificate.

15.3 The owner of a kennel shall reside on the property on which the kennel is located.

15.4 Every owner shall ensure that the kennel building complies with the following requirements:

- (a) comply with the requirements of the Municipality's Zoning By-law;
- (b) comply with the requirements of the Building Code Act;
- (c) not be attached to a dwelling unit or any other building used for human habitation with the exception of a kennel with a valid licence and existing on the date of the passing of this By-law;
- (d) have adequately sized cages to allow the dog to extend its legs to their full extent, stand or sit, turn around, or lie down in a fully extended position;
- (e) not have cages that are constructed solely of metal, wire, or impermeable concrete block;
- (f) in the case of a floor or wall:
  - i) be made of concrete or other impermeable material including rigid plastic;
  - ii) not be made of wire;
- (g) have a self-drain;
- (h) have adequate natural and artificial lights, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed.

15.5 Every owner shall ensure that a structure and defined use areas including an outdoor run, pen,

exercise yard on the property of a kennel complies with the following requirements:

- (a) comply with the requirements of the Municipality's Zoning By-law;
- (b) comply with the requirements of the Building Code Act;
- (c) have adequate natural and artificial lights, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed;
- (a) be enclosed by a fence with a minimum height of 1.52 metres (5 feet) and a maximum height of 2.5 metres (8.2 feet).

15.6 Every person who owns or operates a kennel shall:

- (a) thoroughly clean and disinfect the floors of a kennel building on a daily basis;
- (b) maintain the kennel building and defined use areas including an outdoor run, pen and exercise yard in a sanitary, well-ventilated, clean condition and free from the accumulation of feces, offensive odours, insect or rodent infestations;
- (c) keep all dogs in a clean and healthy condition free from vermin and disease;
- (d) provide every dog with adequate food and potable water at all times;
- (e) provide every dog with sanitary, well ventilated, naturally lighted quarters kept at a healthy temperature at all times;
- (f) immediately drain a floor when water is present;
- (g) adhere to the guidelines set out in "A Code of Practice for Canadian Kennel Operations – Third edition | 2018", as amended, or any successor Code of Practice;
- (h) provide every dog with the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
- (i) necessary veterinary medical care when any dog exhibits signs of pain, illness or suffering;

15.7 Every person who owns or operates a breeding kennel shall:

- (a) maintain a whelping bitch dog in a separate accommodation from the other dogs in the kennel;
- (b) the separate accommodation for a whelping bitch dog shall be 2.5 times the size of the whelping bitch dog;
- (c) provide a separate outdoor run for the whelping bitch dog to prevent the transfer of diseases;

- (d) provide a whelping box for the whelping bitch dog that is constructed with four sides with a floor made of impermeable material;
- (e) not permit noise from barking during the following prohibited times;
  - (i) 22:00 one day to 07:00 the next day;
  - (ii) no continuous noise from barking in excess of 2 hours from 07:00 to 22:00;
- (f) undertake measures to ensure that residences on an adjacent property is not subjected to noise made by dogs kept or harboured on the property.

15.8 In addition to any other requirements in this By-law, a dog may be housed outdoors provided the following regulations are adhered to:

- (a) the breed of dog must be properly acclimatized to seasonal and regional temperatures;
- (b) an aged, young, or infirm dog shall not be housed outdoors;
- (c) shelter and protection from cold and heat must be provided including protection from direct sunlight, rain, sleet and snow;
- (d) an enclosed area with dry bedding must be provided.

15.9 In addition to any other requirements in this By-law, group housing of dogs in a kennel is suitable provided that the following rules are adhered to:

- (a) any dog exhibiting vicious behavior or dominance aggression is housed separately;
- (b) a dog under treatment for communicable disease or suspected of harbouring a communicable disease is separately housed;
- (c) newly acquired dogs are isolated before full integration into group housing.

15.10 In addition to Section 3.2, the Clerk, may impose the following terms and conditions on a kennel licence:

- (a) approval from the Municipality for the installation of any septic system to handle dog waste;
- (b) a restriction on the time that the outdoor runs may be open;
- (c) notwithstanding Section 15(7)(e) a further restriction on the time of when noise from barking from the kennel is restricted;
- (d) a restriction on how many dogs are in the outdoor runs or exercise yards at one time to reduce possible noise issues;
- (e) a barrier preventing a dog from seeing a motorist or a person travelling along any roads/walkways/trails, etc;
- (f) additional evaluations by a qualified acoustical consultant after the kennel has been operating;

- (g) satisfactory arrangements for the implementation and installation of noise abatement measures, including the entering into of an agreement and the posting of securities to ensure the completion of any required noise abatement measures;
- (h) in the case of a new kennel, an increased distance separation from any adjacent habitable building, excluding a building of the owner of the property on which the kennel is located.

15.11 Every person who owns or operates a kennel shall maintain records of the following information:

- (a) the names and addresses of the dog owners cared for at the kennel;
- (b) the date of arrival and departure from the kennel;
- (c) breeding and identification records of all whelping bitches and stud dogs and the resulting litters;
- (d) veterinarian records on individual dogs maintained in the kennel;
- (e) written dog care procedures dealing with, amongst other matters, methods of handling dogs, sickness, emergency situations, injury or death and contact information for a veterinarian.

## **16. Kennel Licences – Administrative Suspensions**

16.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

16.2 An administrative suspension of a licence without a hearing shall be imposed for:

- (a) Fourteen (14) days if the Clerk is satisfied that the continuation of the business poses an immediate danger to health and safety of any person or to any property or in accordance with Section 16.7. Before any suspension is imposed, the Municipality shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

16.3 An administrative suspension imposed under section 16.2 may be imposed on such conditions as the Clerk considers appropriate.

## **17. Licences – Grounds for Refusal, Revocation or Suspension**

17.1 An applicant or licensee is entitled to a kennel licence upon meeting the requirements of this By-law except where:

- (a) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or

engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or

- (b) the applicant or licensee has past breaches of any law and any outstanding fines imposed by a court of the contravention of any provision of this By-law or any other municipal by-law or Provincial Statute associated with the carrying on of such business; or
  - (c) the issuing of a kennel licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
  - (d) the applicant or licensee has submitted an application or other documents to the Municipality containing false statements, incorrect, incomplete, or misleading information; or
  - (e) the applicant or licensee is carrying on or engaging in activities that are, or will be, if the applicant or licensee is licensed, in contravention of this By-law, or any other applicable law; or
  - (f) the applicant or licensee has not paid the required kennel licence fee.
- 17.2 The Clerk may revoke, suspend, refuse to issue, or refuse to renew a kennel licence, where the applicant or licensee would not be entitled to a kennel licence, or to the renewal of a kennel licence, on any grounds set out in this By-law.
- 17.3 Where the application for a kennel licence has been revoked, suspended or cancelled, the fees paid by the applicant or licensee, in the respect of the application for a kennel licence, shall not be refunded.
- 17.4 Where a kennel licence has been revoked, suspended, or cancelled the licensee shall return the kennel licence to the Clerk within two (2) days of service of the notice of the decision.
- 17.5 When a revoked, suspended or cancelled kennel licence has not been returned, an Officer may enter upon the property excluding entry into a dwelling unit for the purpose of receiving, taking or removing the said kennel licence.

## **18. Licences – Grounds for Refusal, Revocation or Suspension – Terms and Conditions – Right to a Hearing**

- 18.1 With the exception of Section 16, before a kennel licence is refused, revoked, suspended, cancelled or issued with terms or conditions, written notice shall be given to the applicant or licensee.
- 18.2 Notice shall be served to the applicant's or licensee's last known address filed with the Municipality and shall:
- (a) contain sufficient information to specify the nature of, or reason for, any recommendation;
  - (b) inform the applicant or licensee of entitlement to a hearing before the Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service

of the notice; and

- (c) inform the applicant or licensee that if no written request is received, the Committee may proceed and make any decision with respect to the licence.

18.3 On receipt of a written request for a hearing from an applicant or licensee, the Clerk shall:

- (a) schedule a hearing; and
- (b) give the applicant or licensee notice of the hearing at least twenty (20) days prior to the hearing date.

18.4 Service of any notice on the applicant or licensee under this by-law shall be made by personal delivery or by ordinary mail. The notice shall be deemed to have been served on the seventh (7<sup>th</sup>) day after the day of mailing or on the date of personal service.

## **19. Establishment of a Hearing Committee**

19.1 The Committee is delegated authority by Council to hear and render decisions regarding the refusal, revocation or suspension of a kennel licence, and the imposing of terms and conditions on a kennel licence.

19.2 The decision of the Committee shall be final and binding.

## **20. Hearing Process**

20.1 The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22*, as amended, shall apply to all hearings conducted under this By-law.

20.2 A hearing shall be held in public, and the Committee shall hear the applicant or licensee and every other person who desires to be heard, and the Committee may adjourn the hearing or reserve its decision.

20.3 No decision of the Committee is valid unless it is concurred in by the majority of the members of the Committee that heard the matter, and the decision of the Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

20.4 Any authority or permission granted by the Committee may be for such time and subject to such terms and conditions as the Committee considers advisable and as are set out in the decision.

20.5 When a person who has been given written notice of a hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in his absence, and the person shall not be entitled to any further notice of the proceedings.



20.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:

- (a) the applicant or licensee;
- (b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

**21. Fees**

21.1. The fees for any licence, registration, or replacement tag issued pursuant to this By-law shall be as prescribed in the Municipality's Fees and Charges By-law and is payable upon submission of an application.

**22. Enforcement and Penalty Provisions**

22.1 The enforcement of this By-law shall be conducted by an Officer.

22.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.

22.3 Every person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:

- (a) on a first offence, to a fine not more than \$50,000.00; and
- (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00

22.4 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

22.5 Every person shall comply with any Order or Notice issued under the authority of this by-law.

22.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

22.7 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.

22.8 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

**23. Severability**

23.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Municipality that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

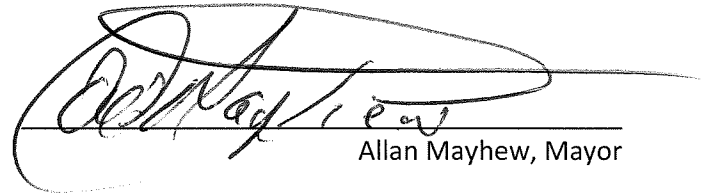
**24. Singular and Plural Use**

24.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

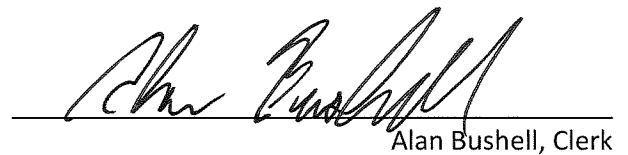
**25. Repeal**

25.1 That By-law No. 2021/075 and all amendments thereto are hereby repealed.

**Read a FIRST, SECOND, THIRD and FINAL time and passed this 26<sup>th</sup> day of August 2023.**



\_\_\_\_\_  
Allan Mayhew, Mayor



\_\_\_\_\_  
Alan Bushell, Clerk

**MUNICIPALITY OF SOUTHWEST MIDDLESEX  
SCHEDULE "A"  
BY-LAW NO. 2023/064**

The following **animals** are prohibited:

<b>Prohibited</b>	<b>Examples</b>	<b>Exception</b>
All Marsupialia (Marsupials)	Kangaroos and Opossums	sugar glider and short tailed opossums
All Non-human Primates	Gorillas and Monkeys	
All Felidae and hybrids		cats
All Canidae and hybrids		dogs
All Viverridae (Viverrids)	Mongoose, Civets and Genets	
All Mustelids	Skunks, Weasels, Otters, Badgers	domestic ferrets
All Ursids	Bears	
All Artiodactylus Ungulates		domestic goats, sheep, pigs, llamas, alpacas and cattle, American Bison in agricultural zones pot-bellied pigs in all zones
All Procyonidae	Racoons, Coatis and Cocomistles	
All Hyaenas		
All Lerissodactylus Ungulates		domestic horse, pony, mule and donkey in agricultural zones
All Elephantidae	Elephants	
All Pinnipedia	Seals, Fur Seals and Walruses	
All Snakes of the Families Pythonidae and Boidae greater than 2 metres in length.		
All Venomous Reptiles		
All Venomous Insects (including Arachnids).		
All animal that in capacity produce venom, even de venomized if medically significant to the average human, that will require medical treatment		
All Struthioniformes	Ratite Birds, Rheas, Cassowaries, Kiwi	emus in agricultural zones
All Raptors	Eagles, Hawks and Owls	Except those owned by falconers licensed by the Ontario Ministry of Natural Resources.
All Edentates	Anteaters, Sloths and Armadillos	
All Tubulidentata	Aardvarks	
All Bats		
All Crocodylia	Alligators and Crocodiles	
All Poultry		Hens and Roosters and all other poultry in agricultural zones

**MUNICIPALITY OF SOUTHWEST MIDDLESEX**

**SCHEDULE "B"**

**BY-LAW NO. 2023/064**

**ANIMAL BY-LAW KENNEL LICENSING APPEAL COMMITTEE**

**MEMBERSHIP & TERM OF OFFICE**

Five (5) Members of Southwest Municipal Council APPOINTED AS REQUIRED

**MUNICIPALITY OF SOUTHWEST MIDDLESEX**

**PART 1 – PROVINCIAL OFFENCES ACT**

**SCHEDULE 'C' to BY-LAW NO. 2023/064**

**A BY-LAW TO REGULATE THE KEEPING, REGISTRATION, LICENSING, CONTROL AND WELFARE OF CERTAIN CLASSES OF ANIMALS IN THE MUNICIPALITY OF SOUTHWEST MIDDLESEX**

<b>ITEM</b>	<b>SHORT FORM WORDING</b>	<b>PROVISION CREATING OR DEFINING OFFENCE</b>	<b>SET FINE</b>
1	Permit dog to make noise	2.2	\$125
2	Permit a dog to bite	2.3	\$300
3	Keeping more than two (2) dogs in a settlement area	2.4	\$200
4	Keeping more than three (3) dogs in a rural area	2.4	\$200
5	Keeping more than three (3) cats in a settlement area	2.4	\$200
6	Fail to licence a dog	2.6	\$125
7	Fail to attach dog tag at all times	2.7	\$125
8	Affix dog tag to wrong dog	2.8(a)	\$125
9	Failure to obtain kennel licence	2.10	\$400
10	Keeping of a prohibited animal	2.12	\$250
11	Use of licence issued to another person	2.15	\$125
12	Dispose of animal on municipal property or land	2.18	\$125
13	Animal in distress	2.19	\$300
14	Permitting dog to run at large	6.1	\$200
15	Failure to provide adequate cages	15.4(e)	\$200
16	Failure to provide adequate outdoor run, pen, exercise yard	15.5	\$200
17	Failure to provide clean and healthy condition	15.6(c)	\$200
18	Failure to provide adequate food and potable water	15.6(d)	\$200
19	Fail to comply with notice	22.5	\$200
20	Hinder/Obstruct and Officer	22.6	\$200

Note: the general penalty provision for the offences listed above is section 22.4 of By-law No. 2023/064, a certified copy of which has been filed.

THE HONOURABLE JEANINE E. LEROY  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
WEST REGION

80 DUNDAS STREET, 10<sup>th</sup> FLOOR, UNIT L  
LONDON, ONTARIO N6A 6A8



L'HONORABLE JEANINE E. LEROY  
JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE L'OUEST

80, RUE DUNDAS, 10<sup>e</sup> ÉTAGE, UNITÉ L  
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292  
FAX/TÉLÉCOPIEUR (519) 660-2407

## MEMORANDUM

Date: October 25, 2023

To: The Honourable Justice Sharon Nicklas, Chief Justice  
The Honourable Justice Aston Hall, Associate Chief Justice

From: Associate Chief Justice Jeanine E. LeRoy  
Ontario Court of Justice

Your Honour:

Re: Delegation of Authority - Regional Senior Justice – West Region

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Pending the appointment of a new Regional Senior Judge following the swearing in of Associate Chief Justice LeRoy, effective October 25, 2023, I delegate my authority insofar as I am able, as Regional Senior Justice, including authority to sign and authorize judicial expense accounts on my behalf, to The Honourable Justice Kevin McHugh.

Handwritten signature of Jeanine LeRoy in black ink.

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Justice Jeanine LeRoy  
Associate Chief Justice  
Ontario Court of Justice

Handwritten signature of Kevin McHugh in black ink.

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Justice Kevin McHugh  
Ontario Court of Justice  
West Region

**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 **By-law 2023/064 of the Municipality of Southwest Middlesex** attached hereto are the set fines for those offences. This Order is to take effect November 21st, 2023.

Dated at London this 21st day of November 2023.

*K. McHugh*

Kevin McHugh  
Acting Regional Senior Justice  
Ontario Court of Justice

**MUNICIPALITY OF SOUTHWEST MIDDLESEX**

**PART 1 – PROVINCIAL OFFENCES ACT**

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**A BY-LAW TO REGULATE THE KEEPING, REGISTRATION, LICENSING, CONTROL AND WELFARE OF CERTAIN CLASSES OF ANIMALS IN THE MUNICIPALITY OF SOUTHWEST MIDDLESEX**

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17	Failure to keep dog(s) in clean and healthy condition	15.6(c)	\$200
18	Failure to provide adequate food and potable water	15.6(d)	\$200
19	Fail to comply with notice	22.5	\$200
20	Hinder/Obstruct and Officer	22.6	\$200

Note: the general penalty provision for the offences listed above is section 22.4 of By-law No. 2023/064, a certified copy of which has been filed.