



By-Law 7841

Consolidated Animal Control By-Law

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**Consolidated Version** revised and verified July 8, 2020

Revision History:

By-Law 7882 – Passed on March 22, 2016

Consolidated for Convenience Only

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**THE CORPORATION OF THE TOWN OF LASALLE****BY-LAW NO. 7841**

Being a By-Law to Regulate, Licence and Control  
Animals within the Town of LaSalle

**WHEREAS** Sections 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the “*Act*”) provides that a municipality may pass By-laws respecting the following matters —

- Environmental well-being of the municipality (Section 11(2)5);
- Health, safety and well-being of persons (Section 11(2)6); and
- Animals (Section 11(3)9);

**AND WHEREAS** Section 103 of the *Act* provides that if a municipality passes a By-law regulating or prohibiting animals from being at large or trespassing, the municipality may provide for the seizure and impounding of animals being at large or trespassing, and for the sale of impounded animals under certain conditions;

**AND WHEREAS** Section 105 of the *Act* provides that a municipality shall, upon the request of the owner of the dog, hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog;

**AND WHEREAS** Section 23.1 and 23.5 of the *Act*, as amended, allows Council to delegate its administrative powers and its duty to hold a hearing to a person or a body, subject to certain restrictions;

**AND WHEREAS** Section 391 of the *Act* enables a municipality to pass By-laws imposing fees and charges on persons for services or activities provided or done by or on behalf of the person;

**AND WHEREAS** Council deems it desirable to pass a By-Law providing for a system of licencing, controlling, regulating and prohibiting certain animal species, and prohibiting the abandonment or disposal of animals and/or a litter of animals on private or other property, including public property, within the Town of LaSalle;

**AND WHEREAS** Council is desirous of ensuring that animals are kept and treated in a humane manner and that owners of animals provide good quality care to them;

**NOW THEREFORE** the Council of The Corporation of the Town of LaSalle hereby enacts as follows:

**PART 1 - DEFINITIONS****1.1 In this By-law,**

“**Agricultural Area**” means those areas within the Town of LaSalle designated as “Agricultural” in the Comprehensive Zoning By-law of the Corporation, as amended;

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

“**Animal Control Officer**” means a person appointed by Council to control animals under this By-law, and includes any servants of such person;

“**blind person**” means a person who because of blindness is dependent on a guide dog or a white cane;

“**boarding establishment**” means a facility where, for a fee, gain or other compensation, lodging, meals or other services are provided to two or more dogs that do not ordinarily reside in that facility with their owner;

“**By-Law Enforcement Officer**” means a municipal By-law enforcement officer appointed by Council to enforce By-laws of the Corporation;

**“choke collar”, “choke chain” or “prong collar”** means a collar that tightens, constricts or pinches an animal’s neck when tension is applied and may inflict pain or discomfort on an animal;

**“Clerk”** shall mean the Director of Council Services of the Corporation or his or her designate;

**“collar”** means a strap which is placed around an animal’s neck, to which a leash, restraining device or tag may be attached;

**“Corporation”** means The Corporation of the Town of LaSalle;

**“Council”** means the Council for The Corporation of the Town of LaSalle;

**“disability”** means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;

**“dog” or “domestic dog”** means a canine of the species *Canis familiaris*;

**“dog kennel”** means a building or structure or part thereof whereby dogs are kept for remuneration for the purpose of breeding, boarding, housing, feeding and/or maintenance;”

**“domestic fowl”** includes chickens, geese, ducks, turkeys, and other such poultry and the young of any of them, and includes game birds where the game birds are kept pursuant to the *Migratory Bird Convention Act, R.S.C. 1970, c. M-12*, as amended;

**“keep”** means to have temporary or permanent control or possession of an animal;

**“Lakeshore Dog Pound”** means the pound which is jointly funded and managed by the Towns of Essex, Lakeshore, LaSalle and Tecumseh and receives stray dogs captured by the Town of LaSalle Animal Control Officer as well as the Animal Control Officers of the other funding municipalities;

**“leash”** means a rope, chain or other restraining material that is attached to a collar or halter worn by an animal and that is capable of restraining the animal on which it is being used;

**“licence”** means a licence for a dog in the form of a dog tag;

**“medically significant”** refers to venom or poison that causes severe illness, permanent or temporary tissue and/or nerve damage, blood pressure irregularities and possible death in humans and domestic animals;

**“mitigating factor”** shall mean circumstances which excuses aggressive behavior 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 behavior, acting in defence to an attack by a person or domestic animal;
- (b) the dog was, at the time of the aggressive behavior, acting in defence of its young;
- (c) the dog was, at the time of the aggressive behavior, acting in defence to a person or domestic animal trespassing on the property of its owner;

**“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended and any regulations thereunder;

**“owner”** includes any person who keeps, harbors or is in control of an animal, and for the purpose of this definition “owns” or “owned” shall have a corresponding meaning and shall include a person who is temporarily the keeper or in control of an animal;

**“person”** means any individual, firm, incorporated or unincorporated group or organization, business entity or club to whom the context can apply;

**“premises”** means lands, buildings or any structures;

**“poison”** means a substance that causes disturbance to organisms when a sufficient quantity is absorbed by an organism;

**“possession”** means the state of having, owning, or controlling something;

**“private property”** means real property owned by a person(s) or individual(s) and which is located within the Town of LaSalle but does not include property owned by a government or a government agency, division or entity;

**“public property”** means real property owned by a government or a government agency, division or entity and includes property owned by the Corporation;

**“sell”** shall include the exchange of an animal for an amount of money or its equivalent;

**“suitable enclosure”** shall mean a building or structure that:

- (a) has its inside walls and ceiling lime washed or painted at least once per year;
- (b) is screened as far as practicable from adjacent premises and streets by hedges, shrubs, or other suitable screening;
- (c) is properly ventilated;
- (d) in the opinion of the local Medical Officer of Health, does not house animals in such a manner or in such number as to be injurious or dangerous to the health the animal(s);
- (e) is maintained in such a manner as to prevent odours arising from it;
- (f) may be readily sanitized and is kept in a clean condition;
- (g) is at least forty (40) feet from any school, church, dwelling or other premises used for human habitation or occupancy other than premises occupied exclusively by the animal keeper or members of the keeper’s immediate family.

**“Supervisor”** means the Supervisor of Planning & Development Services or his designate;

**“Town of LaSalle”** means the lands lying within the geographical boundary limits of the Corporation;

**“venom”** means to any variety of toxins used by certain types of animals to inject their victims;

**“venomous”** means any animals that inject their victims with toxin by means of a bite, sting, or other sharp body feature.

## PART 2- LICENCING AND CONTROL OF DOGS

### LICENCING & REGISTRATION

- 2.1 (a) No person shall own any dog or operate a kennel or boarding establishment within the Town of LaSalle unless that person has obtained a licence on an annual basis from the Corporation, which licence shall expire on the 31<sup>st</sup> day of December in that year.
- (b) The owner of a dog or kennel or boarding establishment shall obtain a licence on an annual basis from the Corporation, which licence shall expire on the 31<sup>st</sup> day of December of that year.
- (c) The licence fee for the registration of a dog or kennel or boarding establishment shall be payable by the owner in accordance with the fee schedule as set out in **Schedule "A"** attached hereto.

### DOG TAGS

- 2.2 (a) Upon the payment of the licence fee, the owner of a dog shall be furnished with a dog tag for each dog so licenced and registered.
- (b) The owner of a dog shall keep the dog tag securely fixed on the dog at all times until the dog tag is renewed or replaced in the following year.
- (c) No person shall permit a dog tag issued by the Corporation to be worn by any dog other than the dog for which the tag was issued.
- (d) In the event a dog tag is lost or destroyed, upon producing a copy of his or her receipt showing payment had been made for a licence for that dog for the current licensing year, the owner shall, upon satisfying the Clerk of such loss or destruction, be entitled to receive one replacement tag, at no cost.
- (e) In the event a dog tag is lost or destroyed and the owner is not able to produce a copy of his or her receipt showing that payment had been made for a licence for that dog for the current licence year, the owner shall, upon satisfying the Clerk of such loss or destruction, be entitled to receive a replacement tag upon payment of the replacement fee as set out in **Schedule "A"** attached hereto.
- (f) No person who has obtained a replacement tag pursuant to the provisions of subsection (d) or (e) herein, shall use or permit to be used the replacement tag to be worn by any dog other than the dog for which the original tag was issued.
- (g) A dog tag issued by the Clerk of the Corporation shall bear a serial number and the year in which it was issued.
- (h) The Clerk shall maintain a record of the serial number of each dog tag issued, and the name and address of the owner of the dog for which the tag was issued.
- 2.3 Any person who becomes an owner of a dog or kennel or boarding establishment after the 1<sup>st</sup> day of February in any year shall be required to obtain a licence from the Corporation within 15 days of acquiring the dog, kennel or boarding establishment.
- 2.4 No owner of a newborn dog born to a dog of the owner shall be required to obtain a licence for the said newborn until the newborn dog has attained the age of 3 months, after which time the owner shall be required to licence and register the said newborn dog within 15 days of that dog attaining the age of 3 months.
- 2.5 (a) The owner of a kennel, upon payment of the licence fee shall not be liable to pay any further licence fees to the Corporation for each dog within the kennel.
- (b) The owner of the kennel shall not transfer the licence obtained from the Corporation at any time to any other person.
- (c) No person shall be entitled to obtain a kennel licence unless the operation of the kennel complies with the provisions of the Comprehensive Zoning By-law of the Corporation.

- 2.6 Guide dogs and persons with disabilities aid dogs, are exempt from the payment of all licence fees applicable pursuant to this By-law, but are still required to register the dog and obtain a tag for identification purposes.

### **RUNNING AT LARGE**

- 2.7 (a) No person with a dog shall cause or permit the dog to run at large within the Town of LaSalle.
- (b) For the purpose of this By-law, a dog shall be deemed to be running at large if it is found in any place other than the premises of the owner and is not on a leash.
- (c) A dog shall not be deemed to be running at large if it is running within the confines of a municipal dog park.
- 2.8 Every person with a dog shall keep the dog on a leash that does not exceed six feet in length, and under the care and control of a person when the dog is not on the premises of the owner, unless prior consent is given by the person owning the premises upon which the dog is found.

### **CONTROL OF DOGS**

- 2.9 (a) No owner or person in control of a dog shall permit or encourage the dog to bite, attack, threaten, harass, chase, kill or injure, with or without provocation, any person or domestic animal.
- (b) In the event a dog bites, attacks, threatens, harasses, chases, kills or injures any person or domestic animal, or otherwise exhibits aggressive behaviour towards any person or domestic animal where a mitigating factor exists, the owner or person in control of that dog shall not be considered to be in violation of Section 2.9(a) herein.
- 2.10 (a) An Animal Control Officer or Police Officer of the Corporation may seize and impound any dog found:
- (i) running at large contrary to this By-law;
  - (ii) trespassing on private property, where requested to do so by the owner or occupant of such private property; or
  - (iii) not on the premises on which the dog is habitually kept and is without a current dog tag.
- (b) The Animal Control Officer or Police Officer shall deliver every dog seized pursuant to this By-law to the Lakeshore Dog Pound.
- 2.11 Every person who owns or harbours a dog, not being a blind person or a person with a disability, shall immediately remove and dispose of any excrement left by his or her dog.
- 2.12 No person shall cause a dog or permit a dog to engage in persistent barking, calling, whining or other noise made by any dog under his or her control.

### **POLICE DOGS**

- 2.13 This By-law shall not apply to any dog owned, possessed or harboured by the LaSalle Police Service, Ontario Provincial Police, Royal Canadian Mounted Police or any other local police or other government enforcement agency.

## **PART 3 - DANGEROUS DOGS**

### **DESIGNATING A DOG AS A DANGEROUS DOG**

- 3.1 Where the Supervisor has reasonable grounds to believe that a dog has bitten, attacked, threatened, harassed, chased, killed or injured, with or without provocation, any person or domestic animal, the Supervisor may designate that dog as a dangerous dog and shall:
- (a) Serve notice or cause a notice to be served to the dog owner by delivering it personally to the owner or sending it by registered mail to the last known address of the owner of the dog.
  - (b) The notice shall include:
    - (i) a description of the dog;
    - (ii) a statement that the Supervisor has designated the dog as a dangerous dog;
    - (iii) requirements that the owner must comply with and when they take effect; and
    - (iv) a statement that the owner may appeal the decision of the Supervisor in writing, within fourteen (14) business days of the date of the notice.
  - (c) Where the owner of the dog is served with a notice designating the dog to be a dangerous dog, the owner may appeal the decision of the Supervisor to the By-law Review and Enforcement Committee (“the Committee”) by filing an appeal with the Supervisor within fourteen (14) business days of the date of the notice.
  - (d) All appeals shall be in writing and include:
    - (i) reason(s) or grounds for the appeal;
    - (ii) identification of the appellant;
    - (iii) name of the agent, representative or lawyer representing the applicant (if applicable); and
    - (iv) municipal address, telephone number and email address for each person identified in clause (ii) and (iii).
  - (e) Where an owner files an appeal, the Committee shall hear the appeal by way of a hearing to determine whether the dog is a dangerous dog. The Committee may confirm, alter or repeal the designation, or direct the owner to do anything the Committee considers appropriate, and may substitute its decision for that of the Supervisor.
  - (f) Notwithstanding that an owner has filed an appeal, the designation by the Supervisor and the conditions imposed by the Supervisor remain in effect until the appeal is disposed of.
  - (g) The decision of the Committee is final.
  - (h) No member of the Committee or its staff is personally liable for anything done by it, or him or her under the authority of this By-law.

### **RESTRICTIONS RELATING TO A DANGEROUS DOG**

- 3.2 Where the Supervisor designates a dog to be dangerous, and serves the owner with the notice of such designation, the owner shall comply with such of the following conditions or requirements as may be set out in the notice:
- (a) To obtain a new licence for such dangerous dog from the Corporation and to pay the fee as set out in **Schedule “A”**, attached hereto;
  - (b) To keep the dangerous dog confined within the owner’s dwelling, or in a suitable enclosure of sufficient dimension and construction to provide humane

shelter for the dog while preventing it from escaping therefrom and preventing the entry therein by unsupervised persons. Such pen must be approved by the Supervisor;

(c) To keep the dangerous dog confined within the owner's dwelling, or confined to the owner's fenced yard of adequate construction to prevent the dog from escaping therefrom and preventing entry therein by unsupervised persons, to the satisfaction of the Supervisor;

(d) To keep the dangerous dog under control at all times by a person who is at least eighteen (18) years old;

(e) To keep the dangerous dog on a leash at all times when the dog is not on the owner's property;

(f) To display, at the entrance to the owner's dwelling where a person would normally approach, a warning sign that there is a dangerous dog on the property. The sign shall be posted in such a manner that it cannot be easily removed by passersby and it is clearly visible to a person approaching the entrance of the owner's property. The sign shall be subject to the approval of the Supervisor;

(g) To securely attach a muzzle to the dangerous dog at all times when it is not on the owner's property;

(h) To provide the Supervisor with any changes in the address or telephone number of the owner within two (2) working days of moving with the dangerous dog;

(i) To provide the Supervisor with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the dangerous dog to any other person;

(j) To advise the Supervisor forthwith if the dangerous dog has bitten or attacked any other person or animal;

(k) To impound the dog at the owner's expense for a maximum of ten (10) days or until such time as the owner of the said dog has complied with all the requirements contained in this By-law for the keeping of a dangerous dog;

(l) To maintain a public liability insurance policy of a minimum amount of two million dollars (\$2,000,000.00), or in such higher amount as may be deemed appropriate by the Supervisor, and proof of such insurance must be provided to the Supervisor with every application for a licence referred to in Section 2(a) of this By-law;

(m) To obtain up-to-date rabies vaccination and provide proof of same satisfactory to the Supervisor; or

(n) Such other conditions as may be deemed appropriate by the Supervisor in his/her sole discretion

- 3.3 No person shall abandon a dangerous dog other than to a pound operated by, or on behalf of a municipality in Ontario, or to a registered research facility or supply facility under the *Animals for Research Act, R.S.O. 1990, c. A.22*, as amended.
- 3.4 The owner of a dog designated as a dangerous dog, shall comply with any additional conditions imposed by the Supervisor within ten (10) days thereof and shall provide proof satisfactory to the Supervisor.
- 3.5 In the event the owner fails to comply with any of the requirements of this By-law or any condition imposed on the owner for the keeping of a dangerous dog within ten (10) days thereof, the Corporation may seize the dangerous dog until such time as the owner complies with the requirements to the satisfaction of the Supervisor.
- 3.6 Every owner of a dangerous dog who is unable or unwilling to meet the requirements of this By-law, or is unable or unwilling to comply with any condition imposed by the Supervisor, shall surrender such dog into the care and control of the Animal Control Officer.

- 3.7 No person shall interfere with, hinder or impede the Supervisor in the performance of any duty authorized by this By-law or by provincial legislation.

## **PART 4 - KEEPING OF ANIMALS**

### **RESPONSIBILITY TO CARE FOR ANIMALS**

- 4.1 Every person who owns an animal within the Town of LaSalle shall ensure that such animal is treated humanely, which shall include:
- (a) A clean and sanitary environment free from an accumulation of fecal matter;
  - (b) A shelter that is waterproof and that protects it from exposure to the elements;
  - (c) A shelter for the animal that is adequate and appropriate for its size and breed; and
  - (d) Adequate and appropriate care, food, water, shelter, exercise, attention, veterinary care and opportunity for physical activity as may be required to meet the needs of the species.

### **TETHERS**

- 4.2 No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:
- (a) The tether is of appropriate length for the species tethered;
  - (b) The animal has unrestricted movement within the range of such tether;
  - (c) The animal is not tethered for longer than 4 hours per day;
  - (d) The animal has access to water and shelter while tethered; and
  - (e) The animal cannot injure itself as a result of the tethering.
- 4.3 Notwithstanding Section 4.2, in the case of dogs, the tether shall be a minimum of three (3) metres in length, provided the tether does not permit the dog to go beyond the limits of the dog owner's property.
- 4.4 Notwithstanding Section 4.2, no person shall keep an animal 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 that is tied directly around an animal's neck.

### **ANIMALS IN VEHICLES**

- 4.5 No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- 4.6 Notwithstanding Section 4.5, a person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flat bed truck if the animal is:
- (a) In a fully enclosed trailer;
  - (b) In a topper enclosing the bed area of a truck;
  - (c) Contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
  - (d) Securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach beyond the outside edges of the vehicle.
- 4.7 No person shall leave an animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal.

- 4.8 A Police Officer and/or a By-law Enforcement Officer who has reasonable grounds to believe that an animal left unattended in a motor vehicle is in imminent physical danger may take steps to remove the animal from the vehicle and shall not be held liable for any damage to the vehicle by so doing.

**ENFORCEMENT BY HUMANE SOCIETY**

- 4.9 The Windsor/Essex Humane Society shall have the right to enforce all of the provisions of Part 4 of this By-law on its own volition and in its sole discretion.

**PART 5 - GENERAL**

- 5.1 No person shall keep, either permanently or on a temporary basis, or cause to be kept, either permanently or on a temporary basis, at or in any premises:

- (a) More than three (3) dogs;
- (b) More than four (4) cats;
- (c) Any domestic fowl, including pigeons, horses, donkeys, mules, cattle, goats, swine, sheep, or any type thereof, except on a parcel of land greater than one (1) hectare in size and which parcel of land is within an Agricultural Area; and
- (d) Any animal that is venomous and has potential to cause harm of a medically significant nature to any person or animal, or any animal that has the potential to cause serious harm or death to any person or animal, unless such animal is housed in an escape-proof enclosure appropriate for that animal.

- 5.2 (a) No person who owns any animal shall permit such animal to run at large within the Town of LaSalle.
- (b) For the purpose of this Section, an animal shall be deemed to be running at large if it is in any place other than the premises of the owner and is not under control of any person.
- (c) Every owner and every person in control of an animal shall keep the animal on a leash that does not exceed six (6) feet in length and under the care and control of a person when the animal is not on the land or premises of the owner within the Town of LaSalle, unless prior consent is given by the person owning the land or premises upon which the animal is found.

- 5.3 Section 5.1 of this By-law shall not apply to:

- (a) An animal hospital or clinic lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- (b) A pet store that is in compliance with the Corporation's Zoning By-law and has been registered as a pet store with the Corporation; or
- (c) The lawful operation of any circus, exhibition, menagerie or carnival.

- 5.4 Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, be liable to a fine of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*, as amended.

- 5.5 By-law Numbers 3322, 5228, 6681 and 7418 be and the same are hereby repealed.

READ A FIRST SECOND AND THIRD TIME AND FINALLY PASSED this 15th day of December, 2015

1st Reading – December 15, 2015

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MAYOR – K. ANTAYA

2nd Reading – December 15, 2015

3rd Reading - December 15, 2015

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CLERK – B. ANDREATTA

**SCHEDULE "A" TO BY-LAW NO. 7841****LICENCE FEE TABLE**

<b>CATEGORY</b>	<b>LICENCE FEE JAN 1<sup>ST</sup> TO MARCH 31<sup>ST</sup></b>	<b>LICENCE FEE EFFECTIVE APRIL 1<sup>ST</sup></b>
Unaltered dog	\$22.00	\$44.00
Altered dog	\$18.00	\$36.00
Kennel licence	\$100.00	\$200.00
Boarding Establishment	\$100.00	\$200.00
Dangerous Dog	\$100.00	\$200.00
Replacement Dog Tag	\$11.00	\$11.00
Dog Adopted from Lakeshore Dog Pound	N/A	Fee waived for 1st year