

Amended B/L 374-2004, Nov. 22/04
Amended B/L 28-2006, Feb. 21/06
Amended B/L 39-2006, Feb. 27/06
Amended B/L 71-2008, Apr. 28/08
Amended B/L 124-2008, July 7/08
Amended B/L 3-2010, January 4/10
Amended B/L 33-2010, Feb. 22/10
Amended B/L81-2013, May 27/13
Amended B/L 174-2015, Dec. 7/15

B Y - L A W N U M B E R 245 -2004

A BY-LAW FOR THE REGISTRATION AND
LICENSING OF DOGS AND FOR THE
CONTROL OF DOGS GENERALLY WITHIN
THE CITY OF WINDSOR

Passed the 27th day of September, 2004.

WHEREAS Section 103.(1), 105.(1), 128.(1), 129.(1) and 130 of the Municipal Act 2001 permits municipalities to license and regulate animals within the municipality; and,

WHEREAS it has been determined that it is appropriate to license and regulate animals the purposes and reasons of consumer protection, health and safety and to ensure no public nuisance is caused; and

WHEREAS a by-law licensing or imposing any condition shall include an explanation as to the reason the municipality is licensing or regulating animals and how that reason relates to the purposes under the Municipal Act 2001, Section 103.(1), 105.(1), 128.(1), 129.(1) and 130; and,

WHEREAS public meetings were held on July 14, 1998 and February 26, 2003 at which time submissions were considered relating to the licensing of animals; and

AND WHEREAS it is deemed expedient to repeal By-law Number 6931 A By-law to Prohibit the Running at Large of Dogs, By-law Number 11768 A By-Law Respecting The Licensing And Registration of Dogs, By-law Number 9090 A By-Law To Provide For The Removal Of Excrement Left By A Dog In The City Of Windsor, and By-law Number 9404 A By-Law To Regulate Dangerous Dogs substituting a new dog control by-law;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

The Council of The Corporation of the City of Windsor (the "City") enacts as follows:

1. For the purposes of this by-law:
 - a) **"Appeal Committee"** means the Windsor Licensing Commission.
(substituted B/L 374-2004, dated Nov. 22, 2004)
 - b) **"Animal Control Officer"** means any person designated as an Animal Control Officer by the City for the purposes of this By-Law or the Licence Commissioner or his/her designate or the Chief of Police or his/her designate;
 - c) **"Blind person"** means a person who because of blindness is dependent on a guide dog or a white cane;
 - d) **"Certificate"** means a certificate, confirmation or other report, in writing, of a veterinary surgeon evidencing that a particular dog therein identified has been spayed or neutered (as the case may be);
 - e) **"Chief of Police"** means the Chief of Police of the City, and includes his or her duly authorized representatives;
 - f) **"City"** means The Corporation of the City of Windsor;
 - g) **"Control"** means that a dog is on a lead not exceeding three metres in length, under the control of a responsible person or is otherwise physically restrained. Sound or voice command is not deemed control under this by-law;
 - h) **"Council"** means the Council of the City;

- i) **“Dangerous Dog”**:
- i. means a dog that, in the absence of any mitigating factor has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - ii. means a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
 - iii. means a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its guardian in violation of the requirements for such dog;
- j) **“Dog”** means a domesticated canine animal, male or female, two months of age and older;
- k) **“Dwelling”** means one room or a group of rooms in a building used or designed or intended to be used by a person or persons as a single, independent and separate housekeeping establishment, and includes the lot used in conjunction with it.
- l) **“Handicapped person”** means a person who is permanently confined to a wheelchair or restricted to the permanent use of crutches or braces;
- m) **“Harbour”** means having care or control of a dog;
- n) **“Issuer”** means the Licence Commissioner, and any person or organization authorized by the Licence Commissioner of the City of Windsor to accept dog registrations and issue dog licences; **(amended B/L 39-2006, Feb.27/06)**
- o) **“Leash”** means a chain, rope or other device used to restrain a dog, affixed to a collar and of not more than one and one-half metres in length;
- p) **“Licence”** means a licence issued by an Issuer;
- q) **“Licence Commissioner”** means the person or persons designated by a by-law or by-laws of The Corporation of the City of Windsor from time to time as a Licence Commissioner or as a Deputy Licence Commissioner to whom the Licence Commissioner has delegated the powers and duties of this position.**(amended B/L 39-2006, Feb. 27/06)(amended B/L 33-2010, Feb. 22/10)**
- r) **“Mitigating Factor”** means a circumstance which excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:
- i. the dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;
 - ii. the dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or domestic animal trespassing on the property of its guardian; or
 - iii. the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented;
- s) **“Municipality”** means the City;
- t) **“Municipal Pound”** means a pound maintained on behalf of the City;
- u) **“Muzzle”** means a humane fastening or covering device placed over a dog’s mouth and of sufficient strength to prevent the dog from biting;
- v) **“Guardian”** means any person who owns, keeps, possesses or harbours a dog or dogs and “own”, “owns” or “owned” have a corresponding meaning, and where the guardian is a minor means the parent, guardian or person having custody of the minor;
- w) **“Potentially Dangerous Dog”** means a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its guardian, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling;

- x) **"Pound"** means premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of the municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs so impounded;
- y) **"Pound Keeper"** means the person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing and carrying out the provisions of this by-law.
- z) **"Premises"** means lands, buildings or any structures;
- aa) **"Purebred Dog"** means a dog that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
- bb) **"pit bull"** includes:
 - (i) a pit bull terrier,
 - (ii) a Staffordshire Bull Terrier,
 - (iii) an American Staffordshire Terrier,
 - (iv) an American pit bull terrier,
 - (v) any dog that has the appearance and physical characteristics predominantly conforming to the standards for any of the above breeds, as established by the Canadian Kennel Club or the American Kennel Club or the United Kennel Club or as determined by a veterinarian licensed to practice in Ontario.
(substituted B/L 374-2004, dated Nov. 22, 2004)
- bb) **"Restricted Dog"** means:
 - (i) A dog that is a Pit Bull dog; and
 - (ii) A dog for which the owner has a valid 2004 dog licence issued under Part I.
- cc) **"Prohibited Dog"** means:
 - (i) A Pit Bull dog which is not a restricted dog;
 - (ii) A Pit Bull dog, previously designated as a restricted dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog; or
 - (iii) A dog, previously designated as a dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- dd) **"Zoned"** means a land use designation in a zoning by-law passed under the provisions of the Planning Act.

PART I – DOG LICENCES

- 2. a) A person claiming entitlement to a lower dog licence fee on the basis that the dog in question has been spayed or neutered, shall produce a Certificate to the Issuer verifying such claim.
- b) No person shall produce to the Issuer a Certificate respecting a dog other than the dog for which the Certificate was issued.
- 3. Every guardian shall within ten days of becoming the guardian of a dog two months of age or older obtain a licence for each such dog and pay a licence fee for each such dog in accordance with Column 1 of Schedule "A", attached hereto and forming part of this By-law. **(substituted B/L 71-2008, dated Apr. 28, 2008)**
 - a) Every guardian of a dog that is not a restricted dog shall obtain a licence for each such dog, every year thereafter, before the 1st day of February in every year. **(substituted B/L 71-2008, dated Apr. 28, 2008)**
 - b) Where a person obtains a licence for a dog that is not a restricted dog on or after February 1st of the year, the licence fee for each such dog shall be paid in accordance with the fees set out in Schedule "A", attached hereto and forming part of this By-law. **(added B/L 71-2008, dated Apr. 28, 2008)**
- 4. a) Every guardian of a dog that is a restricted dog shall obtain a licence for each such dog on or before the 1st of February in every year. **(amended B/L 3-2010, dated January 4, 2010; added B/L 71-2008, dated Apr. 28, 2008)**

- b) Where a person obtains a licence for a dog that is a restricted dog on or after February 1st of the year, the licence fee for each dog shall be paid in accordance with the fees set out in Schedule "B", attached hereto and forming part of this By-law. **(amended B/L 3-2010, dated January 4, 2010; added B/L 71-2008, dated Apr. 28, 2008)**
5.
 - a) On payment of the licence fee for a dog, the Guardian shall be furnished by the Issuer with a dog tag for the dog.
 - b) The dog tag shall bear a serial number and the year in which it was issued and; a record shall be kept by the Issuer showing the name and address of the Guardian and the serial number of the tag.
 - c) The Guardian shall securely fix the dog tag on the dog and shall keep such tag securely fixed on the dog at all times until the tag is renewed or replaced.
 - d) No person shall fix or use a tag upon a dog other than the dog for which the tag was issued.
 - e) No person shall use a tag on a dog during any year subsequent to the year for which such tag was issued.
 6. An Issuer other than the Licence Commissioner shall, in the first week of the next month immediately following the date of issuance of the dog licence, deliver to the City Licence Division, complete written records of all dog registrations and dog licences issued together with all dog tag particulars and shall remit all associated dog licence fees.
 7. All dog licence fee payments shall be made or directed to the Treasurer of the City.

PART II – DOGS FOUND RUNNING AT LARGE

8.
 - a) No Guardian shall permit his or her dog to run at large in the City.
 - b) For the purpose of this by-law, a dog shall be deemed to be running at large if found in any place other than the premises of the guardian and not under the control of any person.
9.
 - a) Any dog found running at large shall be seized, impounded, sold, redeemed or humanely euthanized as provided for in this by-law.
 - b) Any dog found on private property shall, upon the request of the guardian or occupant of such private property, be seized and impounded as provided for in this by-law.
10.
 - a) An Animal Control Officer, Pound Keeper or Police Constable shall seize and impound every dog found,
 - i. running at large contrary to the provisions of Section 8;
 - ii. on private property, where requested to do so by the Guardian or occupant of such private property;
 - iii. off the premises on which it is habitually kept and without a dog tag contrary to the provisions of any by-law passed by the Council pursuant to Section 103(1) of *The Municipal Act, 2001*, as amended from time to time, or in any other Section of that Act, or any other Statute which may be passed to replace that Act or to amend that Act.
 - b) The Animal Control Officer, Pound Keeper or Police Constable shall deliver every dog seized pursuant to this by-law to the Pound, and the Pound Keeper shall provide quarters therein for every such dog, and shall keep an accurate account of all expenses incurred in furnishing the dog with food, water and shelter and any other expenses connected with the care or the disposal of the dog, and any amounts received from the sale of any such dog.
11.
 - a) Where a dog has been seized or impounded pursuant to the provisions of Section 10, the Guardian of the dog may redeem such dog within three days (exclusive of Sundays and statutory holidays) after its delivery to the Pound Keeper upon producing a dog licence and dog tag issued for the dog by the City of Windsor for the current year and by paying the expenses of the Pound Keeper provided in Section 10 and further by paying the sum of \$10.00 to the Pound Keeper for the credit of the City.

- b) After the expiration of the redemption period, the Pound Keeper where a dog has been impounded pursuant to this bylaw may keep, gift, sell or dispose of the dog, subject to the provisions of the Animals for Research Act, R.S.O. 1990, Chap. A.22 as amended. The Pound Keeper will ensure that a purchaser living within the City first obtains a dog licence and dog tag for the dog.

PART III - NOISE

- 12. No Guardian shall permit persistent barking, calling, whining or other noise making by his or her dog that is clearly audible at a point of reception located in the City.

PART IV - DOG EXCREMENT

- 13. Every guardian not being a blind person or a handicapped person shall immediately remove and dispose of any excrement left by his or her dog .

PART V - MUZZLING, LEASHING AND CONTAINMENT OF DOGS

- 14. No Guardian shall permit his or her dog to bite or attack without provocation a person or domestic animal.
- 15. a) Every Guardian , when his or her dog is on the property of the Guardian or on the property of some other person with such person's consent, shall keep his or her dog from leaving such property on its own, by means of:
 - i. Enclosure;
 - ii. Containment within a fenced area; or
 - iii. Physical restraint of the dog by a chain or other similar mean.
- b) Despite section 15(a), an Guardian, when such dog is on the property of the Guardian or on the property of some other person with such person's consent and where such lands are zoned and used for agricultural purposes, may keep the dog from leaving such property on its own by any reasonable means.
- 16. If an Animal Control Officer designates a dog as a potentially dangerous dog, the Animal Control Officer shall serve a Dangerous Dog Notice upon the Guardian, requiring the Guardian, upon receipt of such notice, to comply with such of the following requirements deemed necessary by the Animal Control Officer:
(substituted B/L 374-2004, dated Nov. 22, 2004)
 - a) to keep such dog, when it is on the property of the Guardian, confined
 - i. within the Guardian's dwelling; or
 - ii. in an enclosed pen of sufficient dimension and strength to be a humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the Guardian;
 - iii. or if not confined under subparagraphs (i) and (ii) above, to keep such dog on a leash and under control of the Guardian;
 - b) to keep such dog, when it is on the property of another person with that person's consent, on a leash and under the control of that person who is sixteen years of age or more;
 - c) to securely attach a muzzle to such dog at all times when it is not on the property of the Guardian or not on the property of another person with such person's consent;
 - d) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such potentially dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should the policy expire, be cancelled or be terminated for any reason;
 - e) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a potentially dangerous dog.
 - f) To restrain the potentially dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.

17. If an Animal Control Officer designates a dog as a dangerous dog, the Animal Control Officer shall serve notice upon the Guardian, requiring the Guardian, upon receipt of such notice to comply with the following requirements:
- a) to keep such dog confined;
 - i. within the guardian's dwelling, or
 - ii. in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the guardian of the dog;
 - iii. conspicuously display on his or her property a sign provided by the City warning that there is a dangerous dog on the property.
 - b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with section 17(a);
 - c) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such dangerous dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should to policy expire, be cancelled or be terminated for any reason; and
 - d) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a dangerous dog;
 - e) To restrain the dangerous dog in accordance with any written directives which may be given by an Animal Control Officer.
18. The notices referred to in section 16 and 17 hereof shall include:
- a) a statement that the Animal Control Officer has reason to believe that the dog is a potentially dangerous dog or a dangerous dog, as the case may be;
 - b) the requirements that the Guardian must comply with in accordance with section 16 or section 17 and when such requirements take effect; and
 - c) a statement that the Guardian may request, within three working days of receipt of the Animal Control Officer's notice, and is entitled to, a hearing by the Appeal Committee which may affirm or rescind the Animal Control Officer's designation of the dog as potentially dangerous dog or a dangerous dog, as the case may be, and which may substitute its own designation or its own requirements of the Guardian of a potentially dangerous dog pursuant to section 16 (a) through (f) or of a dangerous dog pursuant to section 17 (a) through (e).
19. If a guardian receives notice from an Animal Control Officer designating his or her dog to be any one or more of a potentially dangerous dog or a dangerous dog or a restricted dog or a prohibited dog, and so requests in writing to the Licence Commissioner within three working days of receipt of such notice, the Appeal Committee shall hold a hearing pursuant to the provisions of the *Statutory Powers Procedure Act* within 15 working days of the Licence Commissioner's receipt of the request for a hearing and may:
- a) Affirm or rescind the Animal Control Officer's designation of the dog as a potentially dangerous dog or as a dangerous dog or as a restricted dog or as a prohibited dog, as the case may be;
 - b) Substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog or as a restricted dog or as a prohibited dog, as the case may be; and/ or
 - c) Substitute its own requirements of the guardian of a potentially dangerous dog pursuant to section 16 (a) through (f).
 - d) Substitute its own requirements of the guardian of a dangerous dog pursuant to section 17 (a) through (e).

- e) Substitute its own requirements of the guardian of a restricted pit bull pursuant to section 26 (a) through (l).
 - f) Substitute its own requirements of the guardian of a prohibited dog pursuant to section 26 (a) through (l).
(substituted B/L 374-2004, dated Nov. 22, 2004)
20. An Animal Control Officer may either on his or her own initiative or as a result of information received by him or her from any source conduct an inquiry into whether a dog should be designated a potentially dangerous dog or as a dangerous dog or as a restricted dog or as a prohibited dog, as the case may be;
(substituted B/L 374-2004, dated Nov. 22, 2004)
21. The requirements of sections 16(d) and (e) and 17 (c) and (d) which may be imposed on an Guardian by the Animal Control Officer pursuant to each section shall not be required to be effected until the earlier of the time for appeal under section 19 has elapsed with a request for a hearing pursuant to that section being received by the Licence Commissioner, or the hearing under section 19 has been duly requested and a determination has been made by the Appeal Committee.
22. An Guardian whose dog has been designated a potentially dangerous dog or a dangerous dog pursuant to this by-law shall advise the Animal Control Officer immediately if he or she transfers guardianship of such dog to another person or changes the address at which such dog is kept and shall furnish the Animal Control Officer with particulars of the name and address of the new Guardian or the new address at which the potentially dangerous dog or the dangerous dog is kept.
23. Any notices served by the Animal Control Officer or requests for hearings made by an Guardian pursuant to this by-law shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth business day after the date of mailing.
24. Notwithstanding section 11 where a potentially dangerous dog or a dangerous dog has been impounded for any reason, the Animal Control Officer shall not restore that dog to its Guardian or to any other person unless the Animal Control Officer is satisfied that the person to whom the dog is to be restored is aware of and in compliance with the provisions of sections 16 and 17 as the case may be. All fees otherwise payable to the Animal Control Officer upon restoration of an impounded dog are payable by the Guardian of a potentially dangerous dog or a dangerous dog for any length of time it may be held in the pound pursuant to this section.
25. If the Guardian of a potentially dangerous dog or dangerous dog which has been impounded is unable to demonstrate compliance with the provisions of section 21 and 22 as the case may be to the reasonable satisfaction of the Animal Control Officer or refuses to do so, the Animal Control Officer, after a reasonable period of time, may sell or otherwise dispose of the dog in accordance with this by-law.

PART VI - RESTRICTED

26. **Restricted dog notice – owner requirements**

Where the Animal Control Officer designates a dog as a restricted dog, and serves the owner with notice of such designation, the owner shall comply with such of the following requirements as set out in the notice: **(substituted B/L 374-2004, dated Nov. 22, 2004)**

- (a) to obtain, prior to September 30, 2004, or within seven (7) working days following the final disposition of any appeal of the designation as a restricted dog, a restricted dog licence;
- (b) to keep the restricted dog, when it is on the lands and premises of the owner, confined:
 - (i) within the owner's dwelling and under the effective control of an adult; or
 - (ii) in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimetres (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the restricted dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;

- (c) to keep the restricted dog under the effective control of an adult person and under leash, such leash not to exceed 1.8 metres (6 feet) in length and to be approved by the Animal Control Officer, at all times when it is not confined in accordance with clause (b);
 - (d) to securely attach a muzzle as defined in Part I to the restricted dog at all times when it is not confined in accordance with clause (b);
 - (e) to have a microchip inserted in the restricted dog by a licensed veterinarian and to permit the Licensing & Enforcement Service Unit to verify the implantation of such microchip;
 - (f) to provide the Licensing & Enforcement Service Unit with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the restricted dog;
 - (g) to advise the Licensing & Enforcement Service Unit with the name, address and telephone number of the new owner within two (2) working days of selling or giving away the restricted dog;
 - (h) to advise the Licensing & Enforcement Service Unit within two (2) working days of the death of the restricted dog;
 - (i) to advise the Licensing & Enforcement Service Unit forthwith if the restricted dog is running at large or has bitten or attacked any person or animal;
 - (j) A guardian shall have his or her restricted dog spayed or neutered. A guardian shall notify the Licensing & Enforcement Service Unit within two (2) working days of whelping in the event that the restricted dog has a litter. If the animal was pregnant when the by-law takes effect it shall thereafter be spayed or neutered. The owner shall deliver the offspring to the Essex County Humane Society within six (6) weeks of whelping to be disposed of in a humane manner;”
- (substituted B/L 374-2004, dated Nov. 22, 2004)**
- (k) to purchase and display, at the entrance to the owner’s dwelling which a person would normally approach, a warning sign provided by the Licensing & Enforcement Service Unit. The sign shall be posted in such manner that it cannot be easily removed by a passerby and it is clearly visible to a person approaching the entrance.
 - (l) To obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such restricted dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should the policy expire, be cancelled or be terminated for any reason.

27. Prohibited dog – notice – to deliver to Animal Control Officer

Where the Animal Control Officer designated a dog as a prohibited dog, the Animal Control Officer shall serve notice upon the owner of such dog. If the Animal Control Officer has not seized and impounded the prohibited dog, the notice shall require the owner, upon receipt of such notice, to deliver the prohibited dog within six (6) working days to the pound.

28. Notice – requirements

The notices referred to in Sections 26 and 27, inclusive, shall include:

- (a) a statement that the Animal Control Officer has reason to believe that the dog is a potentially dangerous, dangerous, restricted dog or prohibited dog, as the case may be;
- (b) the requirements that the owner must comply with in accordance with this section and when such requirements take effect;

- (c) where the Animal Control Officer has designated the dog as a prohibited dog, a statement that the dog will be disposed of in a humane manner; and
- (d) a statement that the owner may request in writing, within three (3) working days of receipt of the Animal Control Officer's notice, and is entitled to a hearing by the Appeals Committee may affirm or rescind the Animal Control Officer's designation of the dog as potentially dangerous dog, dangerous dog, restricted dog or prohibited dog, as the case may be, and which committee may substitute its own designation or its own requirements of the owner of a potentially dangerous dog, dangerous dog, restricted dog or prohibited dog pursuant to Sections 18 and 19.
(substituted B/L 374-2004, dated Nov. 22, 2004)

PART VII – COMPENSATION

29. The City, its employees, agents and servants and the Animal Control Officer shall not be liable for damages or compensation for any dog humanely euthanized under the provisions of this by-law and no such damages or compensation shall be paid to any person.

PART VIII – EXEMPTIONS

30. This by-law shall not apply to:
- a) A veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
 - b) An animal shelter operated by the Windsor/Essex County Humane Society, Erie Wildlife Rescue Inc. within the City, or a shelter lawfully operated by the Ontario Society for the Prevention of Cruelty to Animals OSPCA;
 - c) Premises registered as a research facility in accordance with the *Animals for Research Act*, as amended;
 - d) Pet shops licensed by the City;
 - e) Any person in charge of an exhibition, or road show, or any employee thereof, lawfully displaying animals in the City;
 - f) Any person licensed or exempted as an operator of an animal supply facility in accordance with the *Animals For Research Act*, as amended, or the employees of such facility, during the course of their duties;
 - g) Any person who operates an elementary school, secondary school, college, university or provincial institution that contains a research facility exempted from registration under the *Animals for Research Act*, as amended;
 - h) Any person who operates, or who is employed by, an establishment which lawfully carries on the business of supplying animals to elementary schools, secondary schools, colleges, universities or provincial institutions;
 - i) Dogs maintained in a zoo, fair, exhibition, carnival, menagerie or licensed by the City or other governmental agency;
 - j) The City or other governmental authority while lawfully operating a public park, exhibit, or zoological garden, and maintaining animals therein; and
 - k) Any dog owned, possessed or harboured by the Windsor Police Service, Ontario Provincial Police, Royal Canadian Mounted Police or any other local police or other governmental enforcement agency.

PART IX – OFFENCES

31. 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 for in the *Provincial Offences Act*.
32. This By-law maybe enforced by the Chief of Police, by a Provincial Offences Officer, by an Animal Control Officer or by a Pound Keeper.

33. **PART IX – REPEAL OF BY-LAWS**

- (a) Except as provided by Section 30. (b) hereof, By-law Number 6931 To Prohibit The Running At Large of Dogs; By-law Number 11768 Respecting the Licensing and Registration of Dogs; By-law Number 9090 To Provide For The Removal Of Excrement Left By A Dog In The City of Windsor; and By-Law Number 9404 To Regulate Dangerous Dogs are repealed.
 - (b) Notwithstanding Section 30. (a) hereof, the provisions of By-law Numbers 6931, 11768, 9090 and 9404, as amended, shall continue to apply to any properties in respect of which a Notice Under By-law Numbers 6931, 11768, 9090 and 9404 has been given under the said By-laws until such Notice has been completed or any enforcement proceeding in respect of such a Notice has been concluded.
34. That By-law 128-2004 be repealed.
35. This by-law shall come into force and take effect on the day of final passing thereof.

EDDIE FRANCIS, MAYOR

DEPUTY CLERK

First Reading - July 26, 2004
Second Reading - July 26, 2004
Third Reading - September 27, 2004

SCHEDULE "A"
TO BY-LAW NO. 245-2004

(substituted B/L 174-2015, Dec. 7, 2015)

| Column 1 | Column 2 | Column 3 | Column 4 |
|-------------------|--------------------------------------|---|--------------------------------------|
| DOG STATUS | LICENCE FEE Before Feb. 1 | LICENCE FEE Between Feb. 1 and June 30 | LICENCE FEE After June 30 |
| Altered | \$17.00 | \$32.00 | \$47.00 |
| Unaltered | \$34.00 | \$66.00 | \$98.00 |

SCHEDULE "B"
TO BY-LAW NO. 245-2004

(substituted B/L 174-2015, Dec. 7, 2015)

| Column 1 | Column 2 | Column 3 | Column 4 |
|----------------------------------|--------------------------------------|--|--------------------------------------|
| RESTRICTED DOG STATUS | LICENCE FEE Before Feb. 1 | LICENCE FEE Between Feb. 1 to June 30 | LICENCE FEE After June 30 |
| 1 ST Restricted Dog | \$102.00 | \$112.00 | \$139.00 |
| 2 nd Restricted Dog | \$127.00 | \$139.50 | \$167.00 |

**SCHEDULE "C"
TO BY-LAW 245-2004**

(substituted – B/L 28-2006-February 21/06)

**ASSESSMENT FOR DANGEROUS AND POTENTIALLY DANGEROUS DOGS
LICENSING AND ENFORCEMENT DEPARTMENT**

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|--|------------|---------------------------------|--|--------------------|-----------|
| Date of Issue: | | | | | |
| Dog Guardian Name: | | | | | |
| Address: | | | | Telephone: | |
| Description of Dog: | | | | Breed: | |
| Name of Dog: | | | | Colour: | |
| Rabies Tag No.: | | City of Windsor Tag No.: | | Tattoo No.: | |
| Microchip No.: | | Bite Date: | | | |
| PREVIOUS HISTORY | | | | | |
| Complaints | Yes | No | Bites: | Yes | No |
| Enforcement: | Yes | No | Impounds: | Yes | No |
| Quarantine by Dept. of Health: | Yes | No | | | |
| ACTION (reports attached) | | | | | |
| Citizen Complaints: | | | Yes | No | |
| Windsor Police Investigation Report: | | | Yes | No | |
| Written Directives: | | | | | |
| | | | | | |
| Animal Control Officer: | | | | | |
| Conditions of Dangerous Dog Notice (as they apply to Dangerous OR Potentially Dangerous Dogs): Failure to comply with Conditions of Notice may result in charges. | | | | | |
| Dangerous Dog Must Comply with ALL of the following: | | | Potentially Dangerous Dog Check Dog Guardian's Requirements: | | |
| 1. To keep such dog confined: within the guardian's dwelling; or in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming into contact with or making a real and substantial threat of attach on a person other than the guardian of the dog. | | | <input type="checkbox"/> To keep such dog confined: within the guardian's dwelling, or in an enclosed pen of sufficient dimension and strength to be humane shelter for the dog and to prevent the dog from coming into contact with or making a real and substantial threat of attach on a person other than the guardian of the dog. | | |
| 2. Conspicuously display a sign on premises warning there is a dangerous dog on the premises, when not confined as stated above. | | | <input type="checkbox"/> Keep such dog leashed and under control of a person 16 years of age or older. | | |
| 3. Securely attach a muzzle to such dog at all times when not confined as stated above. | | | <input type="checkbox"/> Keep such dog leashed while on another person's property other than the guardian, on a 1.5m leash and under the control of a person 16 years of age or older. | | |
| 4. Obtain and maintain a \$1 million public liability insurance policy. | | | <input type="checkbox"/> Securely attach a muzzle to such dog at all times when not confined as stated above. | | |
| 5. Insert a microchip in such dog at the dog at guardian's expense. | | | <input type="checkbox"/> Obtain and maintain \$1 million public liability insurance policy. | | |
| 6. Restrain the dangerous dog in accordance with any written directives given by the Animal Control Officer. | | | <input type="checkbox"/> Insert a microchip in such dog at guardian's expense | | |
| | | | <input type="checkbox"/> Restrain the dog in accordance with any written directors given by Animal Control Officer as shown above. | | |