

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES  
BY-LAW NUMBER 3160-20**

**BEING A BY-LAW TO REGULATE DOGS AND LICENCE DOG KENNELS AND TO  
REPEAL BY-LAW NO. 1286-90, 1294-91, 2255-07.**

**WHEREAS** section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25, (the "Municipal Act") authorizes lower tier municipalities to pass by-laws respecting animals; and

**WHEREAS** subsection 8(3) of the Municipal Act provides that the by-law under section 11 respecting a matter may;

- a. regulate or prohibit respecting the matter;
- b. require persons to do things respecting the matter; and
- c. provide for a system of licenses respecting the matter; and

**WHEREAS** subsection 103(1) of the Municipal Act provides that municipalities may pass by-laws with respect to the being At Large or trespassing of animals and the seizure, impounding and sale of such At Large or trespassing animals within the municipality; and

**WHEREAS** section 105 of the Municipal Act provides that if the municipality requires the muzzling of a dog, it must hold for a hearing for review of the muzzling requirement upon request and that the request by a dog Owner for a hearing does not act as a stay of the muzzling requirement; and

**WHEREAS** section 23.5(2) of the Municipal Act authorizes the municipality to delegate to a person or body the power or duty to hold a hearing or provide an opportunity to be heard before the decision is made or the step is taken; and Whereas the Dog Owners' Liability Act, R.S.O. 1990, c. D.16 provides for Dogs that are alleged to have bitten or attacked a person or Domestic animal or to have behaved in a manner that poses menace to the safety of persons or Domestic animals; and

**WHEREAS** subsection 20(7) of the Animals for Research Act, R.S.O. 1990, c. A.22, provides for the euthanization of Dogs; and

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

- 1.1** "Animal Control Officer" means a Municipal Law Enforcement Officer, a Provincial Offences Officer, or Person(s) appointed by the Township to carry out the provisions of this By-law.
- 1.2** "At Large" means a Dog found on any Property other than that of the Owner of the animal, and not under the control of the Owner or a responsible person except where:
- a) the Owner of the Property permits the Dog to be on his or her Property;
  - b) the Dog is a Service Dog or a Dog actively involved in police work; or
  - c) the Dog is being lawfully used for hunting.
- 1.3** "Body Length" means the length of the Dog measured from the point of the nose to the tip of the fully extended tail when the Dog is fully stretched out;
- 1.4** "Clerk" means the Clerk of the Township or a person designated by him/her for the purposes of this by-law;
- 1.5** "Council" means the Council of the Township;

- 1.6** "Dog" means a domesticated canine animal, male or female, over the age of twelve (12) weeks;
- 1.7** "Dog Designation Appeal Committee" means a Committee appointed by Council to perform functions and conduct hearings as set out in this by-law;
- 1.8** "Domestic" means an animal (Dog) that is not wild, untamed, uncultivated, feral or brutal in nature of disposition;
- 1.9** "Dwelling Unit" means a room or group of rooms occupied or designed to be occupied for human habitation which provides cooking, sleeping and sanitation facilities for one or more persons living as an independent and separate housekeeping establishment and which may include those accessory uses specifically permitted by the Township's Zoning By-law;
- 1.10** "Fees and Charges By-law" means the current Fees and Charges By-law of the Township of North Dumfries;
- 1.11** "Harbour" means to give a home or shelter;
- 1.12** "Kennel" means a place where Dogs are housed, groomed, boarded, bred, trained, sold or kept and shall include a doggie daycare;
- 1.13** "Mitigating Factor" means a circumstance which may excuse aggressive behavior of a Dog and without limiting the generality of the foregoing, may include circumstances where, at the time of the aggressive behavior, the Dog was:
- a) acting in defense to an attack by a person or Domestic animal;
  - b) acting in defense of its young or to a person or Domestic animal trespassing on the Property of its Owner; or
  - c) being teased, provoked or tormented by a person;
- 1.14** "Municipal Law Enforcement Officer" means a person appointed by the Township under s. 15 of the Police Services Act, R.S.O. 1990, c. P. 15;
- 1.15** "Muzzle" means a device designed to fit over the mouth of a dog to prevent the Dog from biting while allowing the Dog to pant, eat and drink through the Muzzle unless the Officer specifies a different type of Muzzle;
- 1.16** "New Kennel" means any Kennel operation for which an application for a licence is made to the Township after the date of the passing of this by-law;
- 1.17** "Officer" includes a Municipal Law Enforcement Officer, Police Officer, PAWS (Provincial Animal Welfare Services) Inspector, or other persons appointed by the Township;
- 1.18** "Owner" means any person possessing, harbouring, caring for or having custody of a Dog within the Township and, where the Owner is a minor, includes the person responsible for the custody of the minor and includes the person or persons identified in the most recent municipal assessment roll as the Owner of the subject Property;
- 1.19** "Pound" means the place so designated by Council where animals may be held under the provisions of this by-law;
- 1.20** "Pound Keeper" means the person or agency designated by the Council;
- 1.21** "Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures,

outbuildings, fences and erections thereon, whether heretofore or hereafter erected and includes vacant Property;

**1.22** "Service Dog" means a Dog that is trained and registered to guide or assist a person with a disability, provide a therapeutic service or to provide rescue functions while it is actively providing such assistance or service;

**1.23** "Township" means The Corporation of the Township of North Dumfries;

**1.24** "Veterinarian" means a Veterinarian registered under the Veterinarians Act R.S.O. 1990, c. V. 3; and "Zoning By-law" means the comprehensive Zoning By-law of the Township.

## **2. CONTROL OF DOGS**

**2.1** No Owner shall allow their Dog to attack or bite a person or Domestic animal.

**2.2** Every Owner of a Dog shall immediately remove excrement left by the Dog on Property not owned by the Owner of the Dog and dispose of it in a hygienic manner.

**2.3** No person, being an Owner, tenant or occupant of a Property, shall keep, own or Harbour, or permit to be kept, owned or harboured, more than three (3) Dogs per Dwelling Unit. The provisions of this section do not apply to:

- a) a pet store;
- b) Veterinary clinics;
- c) Dogs under 12 weeks of age; or
- d) a Kennel with a valid licence issued under this by-law.

**2.4** The Pound Keeper may grant an exemption allowing a person to keep four (4) Dogs over 12 weeks in age within or about a Dwelling Unit when the fourth Dog has been acquired as a result of a family death or illness, joint occupancy where occupants had their own pets prior to deciding to live together, or for other compassionate reasons conducive to responsible Dog ownership provided that the Pound Keeper believed the Dogs will be kept in accordance with other provisions of this by-law and will not cause a nuisance to neighbours or other residents. However, an exemption shall not be granted merely because a person wishes to own more than three (3) Dogs or is able to provide a suitable home to a Dog in need of a home, but there must be some factor giving that person a moral or ethical responsibility with respect to such additional Dog. In deciding whether to grant such exemption, the Pound Keeper may consider all reasonable factors including:

- a) Previous convictions or founded complaints under this or a previous by-law of the Township respecting Dogs, or animals;
- b) The size and breed of the Dogs;
- c) Reasonable concerns of neighbours in the areas; and
- d) The suitability of the premises.

**2.5** Prior to the Pound Keeper rendering a decision with respect to an exemption allowing a fourth Dog over 12 weeks in age or a decision revoking a previously granted exemption allowing a fourth Dog, the Pound Keeper shall discuss any concerns with the person impacted and allow them the opportunity to respond whether verbally or in writing and shall then set out the decision and reason therefore in writing.

**2.6** Any exemptions granted under section 2.4 still require all Owners to Licence their dogs with the Township, as outlined in this by-law.

### **3. DOG LICENCING**

- 3.1** Every Owner of a Dog, before the 15<sup>th</sup> day of February in each year or within 21 days of becoming the Owner of a Dog, shall licence and register such Dog with the Township for the fee set out in the Fees and Charges By-law.
- 3.2** The Dog licence fee shall be waived for a Service Dog, upon providing proof that the Dog has been trained and/or certified as such.
- 3.3** No person shall provide false or misleading information on a Dog licence application, including attempting to licence an unspayed female Dog as a spayed female Dog or an unneutered male as a neutered male Dog.
- 3.4** Every Owner of a Dog shall produce when registering their Dog for the first time with the Township:
- a) a certificate from a Veterinarian surgeon that shows the Dog has been spayed or neutered as the case may be;
  - b) appropriate documents showing proof of breed for the Dog; and/or
  - c) appropriate documents showing proof of rabies vaccination or proof of rabies antibodies unless the Dog has a physical condition that precludes the safe immunization or reimmunization of the Dog against rabies where:
    - i. a statement issued by a Veterinarian is filed outlining the reason why the Dog cannot be immunized or reimmunized; and
    - ii. the Dog is controlled in such a manner as to preclude its being exposed to rabies.
- 3.5** Following the first year of registering a Dog with the Township, the Owner shall provide each year thereafter when making an application to License the dog annually, the following:
- a) appropriate documents showing proof of rabies vaccination or proof of rabies antibodies unless the Dog has a physical condition that precludes the safe immunization or reimmunization of the Dog against rabies where:
    - iii. a statement issued by a Veterinarian is filed outlining the reason why the Dog cannot be immunized or reimmunized; and
    - iv. the Dog is controlled in such a manner as to preclude its being exposed to rabies.
- 3.6** Upon licencing a Dog, the Township shall:
- a) supply the Owner with a Dog tag which bears the serial number and the year in which it was issued, and which expires on the 31<sup>st</sup> day of January in the year following when it was issued, and;
  - b) keep a record showing the name and address of the Owner, the serial number of the tag, and if deemed necessary, may maintain copies of any documents produced showing proof of rabies vaccination and proof of breed.
- 3.7** Every Owner shall keep the tag securely fixed on the Dog at all times that the Dog is off of the Property of the Owner, until the tag is renewed or replaced.
- 3.8** No person shall remove the tag from a licensed Dog that is off the Property of the Owner.

**3.9** If a Dog tag is lost, the Owner shall apply for a replacement Dog tag and shall pay the fee for the replacement of a Dog tag as set out in the Fees and Charges By-law.

**3.10** No licence or Dog tag shall be transferable and shall expire and become void upon the sale, death or other removal of the Dog.

#### **4. DOGS AT LARGE**

**4.1** A Dog is deemed to be running At Large if it is found in any place other than the premises of the Owner of the Dog, not on a leash, and not under the control of a responsible person.

**4.2** No Owner shall allow a Dog to run At Large within the limits of the Township.

**4.3** Every Dog shall be under leash and under effective control of a responsible person unless the Dog is on the lands of a person who has given prior consent to the Dog being unleashed.

**4.4** For the purpose of item 4.3, no leash shall exceed 2.4 metres (8 feet).

**4.5** Any Dog found running At Large contrary to this by-law may be seized by:

- a) any person, where the Dog is running At Large on their Property, and delivered to an Officer; or
- b) an Officer, and held in the Pound or returned to the Owner of the Dog, if known.

**4.6** The Owner of a Dog which has been impounded is liable to the Pound for all fees set by the Pound Keeper or as set out in the Fees and Charges By-law, whether or not the Dog is claimed from the Pound by the Owner.

**4.7** When a Dog is impounded, the Pound Keeper may require that the Dog have a current valid license and require the Owner to pay any fees, as set out in the Fees and Charges By-law prior to the release of the Dog or may require that such fees be paid by a later date.

**4.8** Any female Dog found to be running At Large in heat may at the discretion of the Pound Keeper be held at the Pound until no longer in heat, but in any case no longer than twenty-one (21) days.

**4.9** Where an injured Dog found At Large requires the immediate services of a Veterinarian or should be destroyed without delay for humane reasons the Officer may deliver the injured Dog to a Veterinarian as soon the Officer believes necessary for care or to be euthanized, and:

- a) if the Owner of the Dog is known, the Officer shall notify the Owner and the Owner shall be responsible for any and all costs or charges associated with the services provided by the Veterinarian and the Township shall not be responsible for any related costs or damages, or
- b) if the Owner of the Dog cannot be determined, the Township shall not be responsible for any related costs or damages.

**4.10** In the event that the possession of any impounded Dog found running At Large has not been restored to the Owner within five (5) business day after seizure, the Dog may be:

- a) Disposed of by the Pound keeper in a humane manner; or
- b) Sold by the Pound Keeper for such a price as the Pound Keeper deems

reasonable.

## **5. DOG WASTE**

**5.1** Every Person who owns, Harbours, possesses or is in control of any Dog within the Township shall remove forthwith and dispose of, in a sanitary manner, any excrement left by the Dog on any Property other than the premises of the Owner of the Dog.

## **6. DOMESTIC ANIMAL WELFARE**

**6.1** Without limiting any other provision of this By-law, the following provisions shall apply to all Domestic Dogs:

- a) No person shall keep or Harbour any Domestic animal in a manner that could adversely impact the health or well-being of the animal. For the purposes of this section, unsanitary conditions, neglect, overcrowding, inadequate feeding, and inadequate medical attention are each deemed to be circumstances which could adversely impact the health or well-being of an animal.
- b) Without limiting (a), an Owner of a Domestic animal shall provide it with adequate and appropriate care, food, water, shelter, exercise, and attention as may be required to meet the needs of that particular animal. The requirement that the standard of care be adequate and appropriate is a requirement that the standard of care be adequate and appropriate to the specific animal, having regard to its species, breed and other relevant factors.
- c) No person shall cause and no Owner shall permit a Domestic animal to be in distress.
- d) Where an Officer has reasonable grounds to believe that a Domestic animal is in immediate distress, the Owner of the animal shall, upon request of the Officer at the Owner's expense:
  - i. immediately have the animal examined and treated by a Veterinarian as determined necessary by the Officer; or
  - ii. take such other immediate action as the Officer determines is necessary to relieve the animal of its distress.
- e) Where an Officer has reasonable grounds to believe that a Domestic animal is in immediate distress, in addition to any other powers available at law, the Officer may enter upon any land and, at the Owner's expense, take any such action as is reasonably necessary in the circumstances to relieve the animal's distress.
- f) If a Domestic animal is customarily kept out of doors, the Owner shall provide for the animal's use, a structurally sound, weather- proof and insulated enclosure of appropriate size and dimension and sufficient to protect the animal from weather conditions.
- g) No person shall cause, permit or allow a Domestic animal to be confined in a vehicle except with appropriate ventilation and at an appropriate temperature to ensure the animal is not in distress or not reasonably likely to be in distress while in the vehicle.
- h) No person shall allow a Domestic animal to be in the portion of a moving vehicle that is not enclosed and in such a manner that would be deemed dangerous to the animal. For purposes of this section, riding in the back of a pickup truck or flatbed truck shall be deemed dangerous to the animal unless the animal is:
  - i. contained in a ventilated Kennel or similar device securely fastened to the bed of the truck; or
  - ii. securely tethered by a body harness in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, and

cannot reach beyond the outside edges of the vehicle.

- i) No person shall permit a Domestic animal to be tethered unless the animal has unrestricted movement within the range of the tether and the animal cannot suffer injury resulting from the tethering.

## **7. DOG DESIGNATIONS**

**7.1** An Officer may issue an order designating a Dog as:

- a) A dangerous Dog where, in the opinion of the Officer and in the absence of any Mitigating Factor, there is sufficient evidence that:
  - i. the Dog has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
  - ii. the Dog has significantly injured a Domestic animal; or farm animals
- b) a Potentially dangerous Dog where, in the opinion of the Officer and in the absence of any Mitigating Factor, there is sufficient evidence that:
  - i. the Dog chases or approaches any person or Domestic animal in a menacing fashion or apparent attitude of attack including, but not limited to, behavior such as growling or snarling; or
  - ii. the Dog has been impounded or the Dog's Owner has been fined for the Dog being At Large in the Township on three or more occasions within a twenty-four month period.

**7.2** An order designating a Dog as a dangerous Dog or a potentially dangerous Dog may contain any of the following requirements to the satisfaction of the Officer:

- a) muzzling the Dog when the Dog is not confined to the Owner's Property by means of an enclosure, fence or leash;
- b) confining the Dog to its Owner's Property by means of an enclosure, fence or leash;
- c) restraining the Dog by means of a leash under effective control of an adult person;
- d) implanting a microchip in the Dog for the purposes of identifying the Dog;
- e) posting warning signs on the Dog Owner's Property;
- f) any other requirement the Officer believes necessary to protect the health, safety or well-being of a person or animal; and
- g) Spaying or Neutering the pet.

**7.3** An order designating a Dog as a dangerous Dog or a potentially dangerous Dog shall:

- a) be issued to the Dog's Owner by hand delivery or prepaid registered mail to the Owner's last known address and, in the event of service by mail, shall be deemed received on the fifth working day after the date of mailing; and
- b) include the following information:
  - i. a statement that the Officer has reason to believe that the Dog is a dangerous Dog or potentially dangerous Dog, as the case may be;
  - ii. the requirements that the Owner of the Dog must comply with and when such requirements take effect; and
  - iii. notice that the Owner of the Dog is entitled to an appeal before the

Dog Designation Appeal Committee by making a request for appeal in writing within five (5) business days of receipt of the Officer's Order.

**7.4** The Owner of a Dog shall, at all times, comply with all provisions of an order designating a Dog as a dangerous Dog or a potentially dangerous Dog.

**7.5** An order designating a Dog as a dangerous Dog or a potentially dangerous Dog shall remain in effect until:

- a) the death of the Dog; or
- b) the order is amended or rescinded by the Dog Designation Appeal Committee.

## **8. DOG DESIGNATION APPEAL COMMITTEE**

**8.1** The Dog Designation Appeal Committee is established and Council delegates its duty set out in subsection 23.5(2) of the Municipal Act to conduct hearings related to Dog designations under this by-law to the Dog Designation Appeal Committee.

**8.2** The Owner of a Dog who received an Order from the Officer designating the Dog as a dangerous Dog or potentially dangerous Dog, may request a hearing by making a request in writing to the Clerk within five (5) business days of receipt of such notice.

**8.3** The Dog Designation Appeal Committee shall hold a hearing which is open to the public within thirty (30) days of the Clerk's receipt of the request for a hearing, following the procedures set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, and any other rules governing the practice and procedures established by Council.

**8.4** Notice of a Dog Designation Appeal Committee hearing shall be sent to:

- a) the person who made the appeal; and
- b) any person who submitted a complaint that resulted in the order designating the Dog as dangerous Dog or potentially dangerous Dog.

**8.5** On hearing an appeal, the Dog Designation Appeal Committee may:

- a) confirm or rescind the designation of the Dog;
- b) substitute its own designation of the Dog as dangerous Dog or potentially dangerous Dog; and/or,
- c) substitute its own requirements of the Owner or Dog, including requirements the Dog Designation Appeal Committee may tailor to the specific circumstances before it.

**8.6** Any decision of the Dog Designation Appeal Committee is final at the time the decision is rendered or by a date set by the committee.

**8.7** Where a person has requested a hearing and does not appear at the appointed time, the Dog Designation Appeal Committee may dismiss the hearing as abandoned or may, where it has cause to believe it would be beneficial to adjourn the hearing, do so to allow the Owner an opportunity to be present.

**8.8** If the hearing is dismissed as abandoned by the Dog Designation Appeal Committee, the designation and requirements set out by the Officer in the Order shall be considered confirmed by the Committee.



## **9. KENNEL LICENCING**

**9.1** No person shall operate or continue operating a Kennel in the Township without a valid Kennel licence issued under this by-law.

**9.2** Every Owner or operator of a Kennel shall:

- a) renew their Kennel licence annually for the fee as set out in the Fees and Charges By-law;
- b) reside on the Property on which the Kennel is located; and
- c) install and maintain a fence a minimum height of five (5) feet, around every pen, run or exercise yard and, if required by the Township, the fence shall be constructed to prevent visibility from the exterior and to provide acoustical barriers.

**9.3** Applications for a New Kennel licence shall:

- a) be made in the form provided by the Township with the fee as set out in the Fees and Charges By-law;
- b) include a detailed site plan; and
- c) be subject to a circulation Notice to Properties who are within 250 metres from the Property boundary prior to a decision by Council as to if a licence shall be granted.

**9.4** All new applications for a Kennel License may be reviewed by the Pound Keeping prior to Council approving, or not approving the application for a New Kennel license.

**9.5** No Kennel shall be located within sixty (60) metres of any road allowance or any adjacent habitable building or building used for the keeping of livestock excluding buildings of the Owner of the Property on which the Kennel is located, unless Council, at their discretion, resolves to decrease or increase this distance on a case-by-case basis.

**9.6** A Kennel licence shall not be issued for more than fifty (50) Dogs or less than three (3) Dogs.

**9.7** A Kennel licence shall be valid for a one (1) year period.

**9.8** After having given notice in writing by personal service or registered mail to the Owner of the Kennel, Council may, at their discretion, cancel a Kennel licence when it is of Council's opinion that the continued operation of the Kennel is not in the best interest of the Township, including such for reasons as noise, sanitation, care of Dogs, or uses other than permitted by the Kennel licence, as determined by the Township.

## **10. KENNEL CONDITIONS**

**10.1** Every person who owns or operates a Kennel shall construct and maintain the Kennel facilities in accordance with the following regulations to the satisfaction of the Officer:

- a) no animal shall be kept in unsanitary conditions including an accumulation of feces, odour, insect or rodent infestations;
- b) the Kennel building and outdoor runs shall have floors and walls made of concrete or other impermeable material (including rigid plastic) and, for clarity, wire floors shall not be permitted;
- c) the floor of the Kennel building and outdoor runs shall be drained within five (5) minutes after water is present;

- d) any New Kennel structure is required to install a self-drain with a maximum five (5) minute drain time;
- e) the yards and runways associated with Kennel operations shall have adequate shelter and protection from the elements;
- f) every Kennel shall be properly equipped with accessible fresh water and adequate feed both in clean, properly sized containers to maintain animals in a healthy condition;
- g) every Kennel shall be provided with adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of Dog being housed;
- h) every Kennel shall be constructed to provide the following pen minimum space per Dog or sufficient room to permit the animal confined therein to stand normally to its full height, turn around easily and lie down in a fully extended position, whichever is greatest:
  - i. Up to 12 kgs 1.0 square metre per Dog
  - ii. 12-30 kgs 2.0 square metres per Dog
  - iii. 30-50 kgs 2.5 square metres per Dog
  - iv. Over 50 kgs 3.0 square metres per Dog

**10.2** Any of the Kennel conditions set out in section 10.1 of this by-law that are not in the best interest of the breed of Dog being housed in a Kennel may be granted a partial exemption from certain conditions at Council's discretion based on information provided by the Owner of the Kennel and a recommendation from the Pound Keeper.

## **11. OUTDOOR HOUSING KENNEL CONDITIONS**

**11.1** In addition to any other the Kennel conditions set out in this by-law, every person who owns or operates a Kennel where Dogs are kept in outdoor housing shall ensure that:

- a) the breed of Dog is properly acclimatized to seasonal and regional temperatures;
- b) aged, young, or infirmed Dogs are housed indoors;
- c) shelter and protection from cold and heat is provided including protection from direct sunlight, rain, sleet and snow;
- d) an enclosed area with dry bedding is provided.

## **12. GROUP HOUSING KENNEL CONDITIONS**

**12.1** In addition to any other Kennel conditions set out in this by-law, every person who owns or operates a Kennel where Dogs are kept in group housing shall ensure that:

- a) any animal exhibiting vicious behaviour or dominance aggression is housed separately;
- b) a Dog under treatment for a communicable disease or suspected of harboring a communicable disease is housed separately;
- c) newly acquired Dogs are isolated before full integration into group housing.

## **13. BREEDING KENNEL CONDITIONS**

**13.1** In addition to any other Kennel conditions set out in this by-law, every person who owns or operates a Breeding Kennel shall ensure that:

- a) the whelping bitch is kept in separate accommodation from the balance of the Dogs in the Kennel with an area 2 ½ times the Body Length of the whelping bitch;
- b) a separate outdoor run is provided for the whelping bitch to prevent the

- transfer of diseases from other adult Dogs to the puppies;
- c) a whelping box is constructed with four sides and a floor made from impermeable material;
- d) adequate supplemental heat is provided in winter conditions;
- e) a designated space is provided for individual socialization between the puppies and humans away from both visual and physical contact with littermates and other Dogs;
- f) adequately shaded, open air runs are properly fenced to maintain control of the Dogs with adequate space to accommodate the breed of Dog being housed.

#### **14. KENNELS OVER TWENTY DOGS**

**14.1** No Kennel housing over twenty (20) Dogs shall be located within one hundred and fifty (150) metres of any road allowance or any adjacent habitable building or building used for the keeping of livestock excluding buildings of the Owner of the Property on which the Kennel is located, unless Council, at their discretion, resolves to decrease or increase this distance on a case-by-case basis.

**14.2** Council may, at their discretion require a Kennel Owner or operator who makes an application for a Kennel licence of over thirty-five (35) Dogs to provide at their expense:

- a) An acoustical study after their application is approved by Council and before construction of the Kennel; and
- b) after the Kennel has been built, conduct a follow up to the first acoustical study by a qualified acoustical consultant at a time determined by the Officer to ensure that all measures are taken to control the noise and disturbance to surrounding properties.

**14.3** In addition to any other the Kennel conditions set out in this by-law, Council may impose additional conditions on a Kennel licence including:

- a) approval from the Regional Health Unit for the installation of any septic system to handle Dog waste;
- b) a storm water management plan approved by the Township's Director of Development Services
- c) a restriction on the time that the outdoor runs may be open;
- 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 the Dogs from seeing motorists or persons traveling along any roads/walkways/trails, etc;
- f) any ventilation or other air connections from the Kennel to the outside shall be oriented and treated acoustically to comply with the Ministry of Environment guidelines;
- g) additional evaluations by a qualified acoustical consultant after the Kennel has been operating;
- h) an increased distance separation from any adjacent habitable building excluding buildings of the Owner of the Property on which the Kennel is located; or,
- i) any other condition that Council deems appropriate for the Kennel.

#### **15. KENNEL RECORDS AND INSPECTIONS**

**15.1** Every person who operates a Kennel shall maintain records of the following information, and make these records available to an Officer, within 48 hours of a request:

- a) the names and addresses of the Owners of all Dogs cared for at the Kennel

- that includes current vaccine records and Veterinarian information;
- b) the dates of arrivals and departures of individual Dogs from the Kennel;
- c) breeding and identification records of all whelping bitches and stud Dogs and the resulting litters;
- d) the names, addresses and phone numbers of the purchasers of every puppy. Prior to purchase, the purchasers of individual puppies must provide proof of identification to the seller. Acceptable forms of identification include any government issued photo ID; and,
- e) Veterinarian records on individual Dogs maintained in the Kennel. Any new breeding adult Dog which comes into the Kennel must be accompanied by a Veterinarian certificate of health. Any puppy or adult Dog, prior to sale, must be accompanied by a Veterinarian certificate of health to the purchaser.

**15.2** Every person who holds a Kennel licence or the Owner/operator of the Kennel shall:

- a) keep the licence posted up in a conspicuous place on the premises and shall, when so requested by any person authorized by the Township, produce such licence for inspection; and
- b) allow, at all reasonable hours, inspection by an Officer, any person trained in the area of disease control and sanitation as may be appointed by Council, or any other person authorized to do so under any Provincial or Federal Legislation

## **16. ENFORCEMENT**

**16.1** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

**16.2** An Officer may enter on land at any reasonable time to carry out an inspection to determine if an Order, an Interim Order, a condition or any provision of this by-law is being complied with.

## **17. ORDER TO DISCONTINUE ACTIVITY**

**17.1** Where an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened the bylaw or caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

**17.2** An order to discontinue activity shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- b) the date by which there must be compliance with the order.

**17.3** Any person who fails to comply with an order issued under this section is guilty of an offence.

## **18. PENALTY**

**18.1** 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 R.S.O. 1990, c. P. 33.

**19. CONFLICT AND TRANSITION**

**19.1** In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail, except as set out in the Dog Owners Liability Act.

**19.2** The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, in operative or invalid, the remainder of the by-law shall continue to be in full force and effect.

**19.3** By-laws 1286-90, 1294-91 and 2255-07 are repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22<sup>nd</sup> DAY OF JUNE, 2020.**

  
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Susan Foxtton, Mayor

  
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Ashley Sage, Clerk