

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW NUMBER 2017-47

**Being a By-Law to provide for the regulating, restricting, licencing,
prohibiting dogs running at large and for providing kennel
operational guidelines for control of all dogs in the
Township of Asphodel-Norwood**

WHEREAS Section 103 of The Municipal Act, S.O. 2001, c. 25, as amended, provides municipalities with the authority for regulating or prohibiting with respect to the being at large or trespassing of animals it may provide for, and

WHEREAS Section 103(1)(a) provides for the seizure and impounding of animals being at large or trespassing contrary to the by-law; and

WHEREAS Section 103(c) provides for the establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened. 2001,c.25 103(1); and

WHEREAS Section 103 (2) provides that if payment is not made in accordance with the procedures established under clause (1) (c), the fine is recoverable under the Provincial Offences Act. 2001, C25, s.103 (2).

WHEREAS Section 9 of The Municipal Act, S.O. 2001, c. 25, as amended, confers broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and

WHEREAS the Council of The Corporation of The Township of Asphodel-Norwood deems it advisable to do so.

NOW THEREFORE the Council of The Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

1.1 DEFINITIONS

In this by-law:

- a) "Clerk" shall mean the Clerk of the Corporation of the Township of Asphodel-Norwood.
- b) "Council" shall mean the Council of the Corporation of the Township of Asphodel-Norwood.
- c) "Dog" shall mean a male or female dog whether neutered/spayed or intact.
- d) "Dog Control Officer" shall mean a person or association appointed by the Township of Asphodel-Norwood to enforce the provisions of this By-Law as a Dog Control/Provincial Offences Officer.

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- e) “Dwelling Unit” shall mean one or more habitable rooms designed or intended for use by an individual or individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building. But does not mean or include a tent, cabin, trailer, mobile home or a room or suite of rooms in a boarding house, hotel, motel, motor hotel or tourist home.
- f) “Kennel” shall mean any part of a lot, building structure or establishment located in an area where a kennel is a permitted use under the Zoning By-Law where dogs are kept, bred, boarded or trained for profit or gain for the purposes of breeding, boarding or for commercial purposes.
- g) “Kennel Run” shall mean a fenced area provided for the use of dogs housed in a kennel.
- h) “Kennel Sound Barrier” shall mean a solid barrier intended to contain or otherwise diminish sound by dogs housed in a kennel and as specified in greater detail within this By-law.
- i) “Leash” shall mean a strap, cord or chain which is fastened to the dog or to the collar of the dog.
- j) “Licence agent” shall mean a person(s) appointed by Council as licence agent(s) including Municipal Clerk, Dog Control Officer, Municipal Administration/Finance personnel, Chief Building Official, By-Law Enforcement Officer and Dog Tag Sellers.
- k) “Livestock Guardian Dogs” shall mean dogs used as working farm assistant in their vocation as a working farm assistant under the control of a herdsman.
- l) “Municipality” shall mean the Township of Asphodel-Norwood.
- m) “Owner” includes a person, who keeps, possesses or harbors a dog and where the owner is a minor the person responsible for the custody of the minor.

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- n) "Person" includes any physical or corporate entity, partnership or any association and heirs, executors, administrator, successors and assigns or other legal representative thereof to whom the context may apply.
- o) "Pound" shall mean premises, regulated under the Animals for Research Act, that are used for the confinement, maintenance or disposal of animals that have to be impounded pursuant to this by-law.
- p) "Pound keeper" shall mean a person appointed by Council to act in the capacity of Pound keeper.
- q) "Premises" includes the entire lot on which a building is situated.
- r) "Running at large" shall mean to be found in any place other than the premises of the owner of the dog and not under the control of any person.
- s) "Service Dog" shall mean a dog trained and actively used to assist a person who is disabled.
- t) "Under the Control of its Owner" shall mean, in the case of a dog, being kept on a leash or being physically restrained by some other effective method by its owner or by any other person acting on the owner's behalf.
- u) "Township Property" shall mean all property owned, leased or under the control of the Township of Asphodel-Norwood, and without limitation, this term shall include all, open space, opened or unopened road allowances, sidewalks, footpaths or bicycle trails.
- v) "Lifetime dog tag" shall mean the physical tag issued upon payment of licencing fees which shall be affixed as per section 4.5 and bear the serial number and words "Township of Asphodel-Norwood". Once a tag has been issued it is not required to be replaced annually unless lost or stolen. The term lifetime relates only to the manufacturers statement of durability of the material(s) used to construct the tag. All lost or stolen tags are required to be replaced as per section Section 4.6 herein.

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EXEMPTIONS

2.1 Animal hospital – clinic – kennel-registered

This by-law shall not apply to an animal hospital, clinic, or kennel lawfully operated and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.

2.2 Pound

This by-law shall not apply to a pound or other such premises or facilities designated as an animal shelter.

2.3 Service Dog(s)

This by-law shall not apply to service dogs including police service dogs.

3. **KEEPING OF DOGS**

3.1 Maximum – Three (3) per premises

No person shall keep more than three (3) licenced dogs within those areas of the Municipality zoned Residential.

3.2 Dogs-at-large shall not apply in cases where Livestock Guardian Dogs that are used as a working farm assistant, are being used in their vocation on public property and are under the control of a herdsman.

3.3 Kennels- registered – number of dogs

Section 3.1 does not apply to the number of dogs that may be kept in a kennel under a kennel licence issued by the Municipality under Section 8 of this by-law.

3.4 Stoop and Scoop

The owner of a dog is required to remove immediately and dispose of in a sanitary manner any and/or all excrement left by the said dog anywhere in the municipality.

3.5 Trespassing – without consent –by dog - prohibited

No person shall permit a dog to enter upon the private property of another person or remain on the private property of another person without the property owner's consent.

3.6 Running at large – prohibited

a) No owner of a dog shall permit a dog to run at large or fail to prohibit the dog from running at large;

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b) Any dog running at large may be seized and impounded, and may be sold or destroyed by the pound keeper;

c) For the purpose of this by-law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner and not under the control of any person;

4. LICENCING

4.1 licencing

Every person who owns a dog or dogs within the Township shall obtain a licence for each dog owned and shall pay the licence fee for each dog as prescribed in Schedule "A".

4.2 Registration – information – requirements

The licencing agent shall keep a record showing the following dog licence registration information:

- a) name and address of dog owner;
- b) serial number of dog tag;
- c) date of registration;
- d) description of dog;
- e) amount of fee paid upon registration;
- f) description of dog including breed, spayed/neutered, age, markings, disposition and name

4.3 Expiry – annual – December 31st

Every licence issued by the Township shall expire on the 31st day of December of the year for which it is issued and shall be renewable yearly.

4.4 Tag – serial number – issued – upon payment of fee

Upon payment of the applicable fee, the owner shall be furnished with a lifetime dog tag bearing the serial number and the words 'Township of Asphodel-Norwood' inscribed.

4.5 Tag affixed – securely – to dog – at all times

The tag shall be fixed securely – to dog – at all times. No owner shall permit a dog to wear a tag other than the one issued for the dog and the tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.

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4.6 Tag – replacement – where lost

Where a tag has been lost, a request shall be made to the licencing agent for a replacement tag providing sufficient proof that the dog possessed a licence for the current year and paying to the Licencing Agent the sum as prescribed in the Township of Asphodel-Norwood Fees and Charges By-Law.

4.7 No person shall use a tag upon a dog other than the one for which it was issued.

4.8 Service Dogs – Service dogs including police service dogs are exempt from the applicable fees and licencing requirements associated with dog tags pursuant to this by-law.

5. FEES

5.1 Fees

Licence fees shall be set by the Council from time to time.

5.2 Pound fees – payment – proof of ownership – required

Where a dog is claimed from the Pound keeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog licence, and compensate the Pound keeper for fees and penalties incurred.

6. REQUIREMENTS FOR A LICENCE

6.1 Every person who owns a dog over six (6) months old, which is kept in the Township of Asphodel-Norwood, shall obtain a licence for such dog from the Township and shall pay to Municipality the licence fee for such dog as prescribed in the Township of Asphodel-Norwood Fees and Charges By-Law.

6.2 All licences, tags and kennel licences under this by-law shall expire on the 31st day of December in each year and the owner must renew the licence(s). Renewed licences will be offered at a reduced rate from January 1st to April 30th for the following year.

6.3 Every person who owns a kennel within the Municipality, in which the dog or dogs are kept that are purebred shall pay an annual licence fee as prescribed in the Township of Asphodel-Norwood Fees and Charges By-Law.

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- 6.4 The requirement to obtain a licence as prescribed in Section 6.1 and 6.2 shall occur when the person:
- a) becomes the owner of the dog, or kennel, as the case may be and the same is kept within the Municipality; or
 - b) when the dog is possessed or harbored in the Municipality for a period of time which is sufficient to demonstrate that the person who has care and control of the dog can be deemed to be the owner thereof.

7. SEIZURE AND IMPOUNDING OF DOG(S)

- 7.1 The Dog Control Officer/Provincial Offences Officer may:
- a) seize and impound any dog(s) found running at large within the Municipality;
 - b) In his/her discretion, restore possession of the dog to the owner thereof. Expenses incurred in the seizing and impounding the dog an notification to the owner plus any other additional expenses involved therewith shall be billed to the owner;
 - c) Where in the opinion of the Dog Control Officer/Provincial Offences Officer, a dog seized, is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons, the Dog Control Officer/Provincial Offences Officer may destroy the dog(s) as soon after the seizure as he/she thinks fit without permitting any person to reclaim the dog(s);
 - d) Where the Dog Control Officer/Provincial Offences Officer finds a dog(s) running at large contrary to the provision of this By-law and he/she believes that before he/she can seize the dog(s) it may attack a human being or other animal, he/she may destroy the dog(s).
 - e) No damage or compensation shall be recoverable by the owner of the dog(s) on account, or as a result of the actions of the Dog Control Officer/Provincial Offences Officer;
 - f) Any dog, not so released shall be destroyed or otherwise disposed of five (5) days after the notice of seizure has been given to the owner of the said dog. The owner shall be liable for all costs incurred by the Township in this matter. If, after making every reasonable effort, the

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Dog Control Officer/Provincial Offences Officer is unable to establish the identity of the owner, the dog shall become the property of the Peterborough Humane Society.

- 7.2 Any dog found running at large pursuant to Section 3.6 may be seized, impounded and euthanized, whether before or after impounding by any Police Officer, or appointed Dog Control Officer/Provincial Offences Officer within the Corporation without permitting any person to claim damages or compensation from the Corporation on account of its euthanizing or other disposition.
- 7.3 Any dog, so impounded pursuant to section 7.1 may be kept at the Peterborough Humane Society, or alternate Animal Shelter as authorized by the Municipality, a secure place and a fee charged to the owner prior to the release of the dog, for all costs of the distrainer.
- 7.4 If the Dog Control Officer/Provincial Offences Officer suspects a dog may be rabid he/she must notify the Peterborough County-City Health Unit and either:
- a) quarantine the dog, or
 - b) destroy the dog in such a manner as to preserve the brain for examination
- 7.5 If the Dog Control Officer/Provincial Offences Officer has knowledge of a dog biting/breaking the skin of a person he/she must notify the Peterborough County-City Health Unit and either
- a) quarantine the dog, or
 - b) destroy the dog in such a manner as to preserve the brain for examination.

8. KENNELS

Kennel Licencing:

- 8.1 Any person or persons who keep more than three (3) dogs, which are aged over six (6) months, at one location, must obtain a kennel licence.
- 8.2 Every owner of a kennel shall pay to the Municipality a kennel licence fee for each year or any portion thereof as may be established annually.
- 8.3 Every licence shall expire on December 31st of each year.

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- 8.4 a) Kennels licenced under former Township of Asphodel-Norwood by-laws shall not be affected by Clause 8.5 and may continue operating as a legal-non conforming provided all other requirements of this by-law are met;
- b) Kennels will be inspected by the Dog Control Officer, the Licencing Agent and/or Chief Building Official on a yearly basis prior to authorizing the annual licence.
- 8.5 No kennel may be established except where it is permitted under the applicable Zoning By-law as amended from time-to-time. The minimum lot area required for the operation of a kennel shall be 14.8 acres (6 hectares).
- 8.6 The “kennel licence” issued pursuant to Section 8.2 shall provide the number and breed of all dog(s) housed in the kennel.
- 8.7 Every person who holds a kennel licence or operates boarding facilities for animals shall comply with the following requirements:
- a) the licence shall be exposed at all times in a conspicuous place in the interior of the premises;
- b) the premises shall be maintained in a sanitary, well ventilated, clean condition and free from offensive odours;
- c) the animals shall be kept in a sanitary, well bedded, well ventilated, natural lighted clean quarters, and a healthful temperature shall be maintained at all times;
- d) the animals shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease.

Special Provisions for Kennels:

- 8.8 No kennel shall be located closer than 1,000 feet (304.8 metres) from a recreational park, recreational area, school, day care or community centre.
- 8.9 No kennel licence will be issued until the subject kennel has been constructed, and upon completion of construction inspected and approved by the Chief Building Official and/or Dog Control Officer.

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8.10 The following standards shall govern the construction of kennel buildings, kennel runs and kennel sound barriers:

8.11 ***Kennel Buildings:***

- a) Buildings must be constructed from durable materials.
- b) Floors and walls must be protected from deterioration by impervious and durable materials and suitable floor drains or troughing to permit washing down of the facility.
- c) A minimum of nine (9) square feet (0.84 square meters) of building floor space for each dog shall be required.
- d) All doors and gates on buildings shall be self closing and shall be installed with locking devices.

8.12 ***Kennel Runs:***

- a) Floors should consist of poured concrete or other suitable material which shall be sloped to allow free drainage to the exterior of the kennel run.
- b) Walls shall consist of suitable materials or chain link fencing properly secured in place.
- c) The walls should be a minimum of six (6) feet (1.8 metres) in height.
- d) Kennel runs with walls which are less than six (6) feet (1.8 metres) shall be enclosed with a roof or chain link fencing which is properly secured in place.
- e) All doors and gates on buildings shall be self closing and shall have locking devices installed.

8.13 ***Kennel Sound Barriers:***

- a) Where required, (as deemed by the Chief Building Official, Licence Agent and/or Dog Control Officer for the Municipality) sound barriers shall be constructed for the purposes of controlling unwanted noise emitted from the kennel, and such barriers shall be constructed to the satisfaction of the Chief Building Official, Licence Agent and/or Dog Control Officer responsible for the enforcement of this by-law.

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- b) The sound barriers shall consist of solid wood fencing of a minimum of six (6) feet (1.8 metres) in height.

8.14 The licenced kennel owner shall keep all kennel buildings, kennel runs, and kennel sound barriers in good repair at all times.

8.15 Dog Control Officer may inspect a licenced kennel operation annually or as required to determine compliance to the by-law requirements and to inspect the health condition of the dogs.

9. OFFENCE

9.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000.00) exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*.

9.2 Set fines attached as Schedule "A" to this By-Law for the licencing and requiring of registration of dogs and for the prohibiting and regulating the running at large of dogs in the Township.

9.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

10. RECORDS

10.1 Any notice given to the owner of a dog pursuant to the provisions of this by-law may be in writing and may be delivered to the said owner or to an adult person at the owner's place of residence, or may be sent to him/her by first class mail. The seven (7) days notice specified in Section 7.1 (f) shall be computed not including the date of delivery or mailing;

10.2 The Dog Control Officer/Provincial Offences Officer may keep a written record containing a brief description of any dog seized by him/her setting out the date, time and location of such a seizure and the date of giving notice to the owner.

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10.3 Any person authorized by this by-law to receive payment from an owner shall give to the person making the payment a receipt provided for the purpose and from time to time all sums so received shall be paid to the Municipality.

11. **REPEAL OF PREVIOUS BY-LAWS**

That all previous by-laws and amendments are hereby repealed including By-Law 2005-63 and 2013-02.

12. **SEVERABILITY OF PROVISIONS**

If any section(s) of this By-Law, or parts thereof are found by any court of law to be illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts thereof of this By-Law shall be deemed to be separate and independent there from and to be enacted as such.

13. This By-Law comes into force and effect on the date of its passage.

Read a first, second and third time and finally passed this 25th day of July 2017.

Mayor, Terrence J. Low

Clerk, Candice White

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**Schedule "A"
Township of Asphodel-Norwood**

TOWNSHIP OF ASPHODEL-NORWOOD BY-LAW NO. 2017-47 SCHEDULE "A" SET FINES			
A By-Law for the licencing and requiring the registration of dogs and for the prohibiting and regulating the running at large of dogs			
Part 1 Provincial Offences Act			
ITEM	Short Form Wording	Offence creating provision or defining Offence	Set Fine (including costs)
1	Keep dogs in a kennel without having paid licence fee	Section 2(2)	\$150.00
2	Fail to affix tag to dog	Section 3 (2)	\$75.00
3	Fail to post kennel licence	Section 3(4)	\$75.00
4	Permit dog to run at large	Section 5(1)	\$180.00
5	Keep more than three dogs - residential	Section 6 (1)	\$75.00
Note: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33			

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Schedule "B"
Township of Asphodel-Norwood
Kennel Licence Requirements
(In accordance with By-Law 2017-47)

1. Dog Control Officer will inspect kennel to ensure 'kennel' facility or enclosure for the purpose of breeding or housing dogs, as may be defined in the Municipal Zoning By-Law and in accordance with By-Law 2013-02.
2. Application to be completed by the person requesting the kennel licence and reviewed by Municipal staff and/or Dog Control Officer.
3. Fees for each kennel licence are shown in the Township of Asphodel-Norwood Fees and Charges By-Law.
4. Kennel licence must be posted.
5. Within those areas of the corporation zoned Residential, the number of dogs requiring a licence that a person may keep is restricted by By-Law _____ to three (3).
6. New kennels shall comply with the current Municipal Zoning By-Law.

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Schedule "B" con't
Township of Asphodel-Norwood
Application for a Kennel Licence

I/We make application for a KENNEL licence for the Year 20__ and enclose the sum as required in accordance with Township of Asphodel-Norwood Fees and Charges By-Law.

Name of Operator/Business: _____

Address of Applicant: _____

Location of Business: 911 Address _____

Lot: _____ Concession: _____

Type of operations to be carried out: KENNEL

Fire protection facilities (if applicable): _____

Previous year's licence number (if applicable): _____

Has any licence been revoked or refused at any time?: Yes No

Note: IF A PARTNERSHIP, ALL PARTNERS MUST SIGN APPLICATION

Signature(s): _____ Print: _____

_____ Print: _____

Address: _____

Phone: _____ email: _____

Office Use Only:

Paid: Cash/Cheque/Debit Receipt # _____ Licence # _____ Staff Initial: _____

Comments: _____

Inspection completed by Dog Control Officer _____ **Date:** _____

Inspection completed by Chief Building Official _____ **Date:** _____

Inspection completed by Licencing Agent _____ **Date:** _____