

The Corporation of the Township of North Huron

By-law No. XX-2024

Being a By-law of the Township of North Huron for licensing, regulating, and requiring registration of Dogs and Kennels; for imposing a License fee on Owners; and for prohibiting or regulating the running at large of Dogs within the Township of North Huron

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001 c. 25 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS Section 11(1) of the Municipal Act, 2001, S.O. 2001 c. 25 authorizes a lower-tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in Subsection (4) of the Act;

AND WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001 c. 25 authorizes a lower-tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 12 of the Dog Owners' Liability Act, R.S.O. 1990, c. d.16 designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

AND WHEREAS Section 103(1) of the Municipal Act, 2001, S.O. 2001 c. 25 provides that municipalities may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for the seizure, impounding and sale of such animals being at large or trespassing contrary to the by-law;

AND WHEREAS Section 105 of the Municipal Act, 2001, S.O. 2001 c. 25 provides that a municipality shall, upon the request of the Owner of the dog, hold a hearing to determine whether or not to exempt the Owner in whole or in part from the requirement to muzzle a dog;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001 c. 25 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 398 (2) of the Municipal Act, 2001, S.O. 2001 c. 25 allows a Municipality to add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes;

AND WHEREAS the Corporation of the Township of North Huron has appointed by By-law an Animal Control Officer who shall have the authority to enforce the provisions of the Animal Control By-law;

AND WHEREAS the Corporation of the Township of North Huron deems it desirable to pass a By-law with respect to the control of animals and prohibited animals;

NOW THEREFORE the Council of the Corporation of the Township of North Huron enacts as follows:

1. Interpretation

1.1 This By-law may be cited as the "Animal Control By-law".

1.2 The purpose of this By-law is to protect and promote the health, safety, comfort, convenience and general welfare of the public and of dogs within the Township of North Huron.

- 1.3 Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.
- 1.4 All references to applicable law are ambulatory and apply as amended from time to time.
- 1.5 Where there is a conflict between a provision of this By-law and a provision of any other Township By-law, it shall be at the discretion of the Animal Control Officer to determine which By-law shall apply. Any provincial or federal legislation or regulation that imposes a higher standard shall supersede this By-law.

2. Definitions

- 2.1. **“Act”** means the Municipal Act, 2001, R.S.O. 2001, Chapter 25, as amended from time to time.
- 2.2. **“Animal Control Officer”** shall mean the Person, department or agent designated by the Corporation of the Township of North Huron, whose duty it is to enforce ordinances regulating the ownership of animals and to respond to incidents in which animals are involved.
- 2.3. **“Agreement”** shall mean the current agreement, duly signed by the Officers of the Corporation setting out the fees and duties of the Pound Keeper.
- 2.4. **“Boarding Kennel”** shall mean any building, structure, run or facility, or part thereof, used for the boarding, grooming, showing, training, or temporary housing of more than one (1) dog, but does not include a veterinarian clinic.
- 2.5. **“Breeding Kennel”** shall mean any building, structure, dog run or facility, or part thereof:
 - (a) where more than two (2) dogs are kept for other than, boarding, hunting, sporting or dog sledding purposes, despite the age or breed of the dog;
 - (b) where dogs are kept for breeding, housing, or selling purposes;
 - (c) the operator may or may not own the dogs which will be bred, housed, or sold from the facility.
- 2.6. **“Clerk”** means the Clerk appointed by the Council of the Corporation of the Township of North Huron pursuant to the Act.
- 2.7. **“Council”** shall mean the Council of the Corporation of the Township of North Huron.
- 2.8. **“Dog”** means any dog (*Canis lupus familiaris*) and includes an animal which is a cross between a dog and another member of the *Canis* genus, including but not limited to a wolf.
- 2.9. **“Dog Tag”** means a metal tag bearing an identification number in which it was issued by the Township of North Huron.
- 2.10. **“Dwelling Unit”** means a room or suite of two or more rooms, designed or intended for use by any Person or Persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or installation of cooking equipment and the land on which it is located.
- 2.11. **“Herding Dog”** shall mean a dog that has been trained and is actively being used in a bona fide farming operation for the purposes of controlling livestock on the farm.
- 2.12. **“Inspector”** shall mean the Person, department or agent designated by the Corporation of the Township of North Huron to inspect a Kennel.
- 2.13. **“Kennel”** shall mean a licensed establishment where more than three (3) dogs are kept for the purpose of show, training, keeping, breeding, and raising for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and/or recovery to veterinary treatment. Includes: Boarding Kennel, Breeding Kennel, or Hunting/Sporting/Sled Dog Kennel.
- 2.14. **“License”** shall mean the legal authorization or permission granted by the Township of North Huron to an Owner or Person for the keeping or ownership of dogs. The License may include conditions or requirements relating to the licensing and registration of dogs and/or Kennels.

- 2.15. **“Licensing Agent”** shall mean a Person designated by the Township to issue Dog Licenses.
- 2.16. **“Livestock Guardian Dog”** shall mean a dog that works and/or lives with domestic farm animals (e.g., cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose.
- 2.17. **“Municipal Law Enforcement Officer”** shall mean a By-law Enforcement Officer, interim or full time, as appointed by Council for the Corporation of the Township of North Huron.
- 2.18. **“Muzzle”** means a humane fastening or covering device of adequate strength placed over the mouth of an animal to prevent it from biting.
- 2.19. **“Owner”** means any Person who owns, possesses, harbors or has custody of an animal, or the registered Owner of a Boarding Kennel, Breeding Kennel or Hunting/Sporting/Sled Dog Kennel. Where the Owner is a minor, the Person responsible for the custody of the minor shall be deemed the Owner.
- 2.20. **“Person”** includes an individual, partnership or corporate entity.
- 2.21. **“Pound”** means the place which is used for the temporary housing and care of dog(s) that have been impounded pursuant to this By-law and so designated by the Council.
- 2.22. **“Pound Keeper”** means the Person or agency designated by the Township to oversee and operate a yard and/or enclosure for the safe keeping of such animals.
- 2.23. **“Service Animal”** an animal that can be readily identified as one that is being used by the Person for reasons relating to the Person’s disability, as a result of visual indicators such as the vest or harness worn by the animal; or an animal for which the Person provides documentation from one of the following regulated health professionals confirming that the Person requires the animal for reasons relating to the disability:
- A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
 - A member of the College of Chiropractors of Ontario.
 - A member of the College of Nurses of Ontario.
 - A member of the College of Occupational Therapists of Ontario.
 - A member of the College of Optometrists of Ontario.
 - A member of the College of Physicians and Surgeons of Ontario.
 - A member of the College of Physiotherapists of Ontario.
 - A member of the College of Psychologists of Ontario.
 - A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.
- 2.24. **“Township”** shall mean the Corporation of the Township of North Huron.
- 2.25. **“Vicious Dog”** means a dog which has, without provocation, attacked or bitten a Person or another animal or communicated by its actions or intention, habit, tendency or has demonstrated a propensity to do so.
- 2.26. **“Without provocation”** means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its Owner, either in the past or the present, by the Person or domestic animal, who sustained the bite or attack.
- 2.27. **“Zone”** shall mean a designated area of land used as outlined in the Township’s most recent Zoning By-law, as may be amended from time to time and “Zoned” has corresponding meaning.

3. Responsibility to Care for Dogs

- 3.1 Every Person who keeps a dog or dogs within the Township shall ensure that such dog(s) is provided with:
- (a) a clean and sanitary environment free from an accumulation of fecal matter, odour, insect infestations or rodent attractants that disturb or are likely to disturb the enjoyment, comfort, convenience of a Person or may endanger the health of any Person or animal; and
 - (b) adequate and appropriate care, food, water, shelter, and opportunity for physical activity.

4. Limit to Number of Dogs

- 4.1 No Person, other than an Owner of a Kennel which has been properly Licensed shall keep more than four (4) dogs per dwelling unit which have surpassed eight (8) weeks of age.
- 4.2 Any dogs not Licensed at the time of passing of this By-law shall be deemed in violation of this By-law.
- 4.3 Section 4.1 does not apply in the event that:
 - a) The Person is keeping livestock upon the same premises;
 - b) The dogs are Livestock Guardian Dogs and/or Herding Dogs;
 - c) The premises is within an agricultural zone;
 - d) The dogs are Licensed annually in accordance with this By-law; and
 - e) Proof of compliance is satisfactory to the Animal Control Officer.

5. Licensing and Registration of Dogs

- 5.1 Every Owner of a dog at least 8 weeks of age in the Township of North Huron, shall within ten (10) days of acquiring such dog, cause such dog to be licensed.
- 5.2 Every License shall expire annually, three hundred and sixty-five (365) days from the License start date.
- 5.3 The Township may appoint licensing agents to act on behalf of the Township to sell Licenses.
- 5.4 The Township and any licensing agents shall keep a License registration information record, including but not limited to the following:
 - a) Name, address, email address and telephone number of the Owner; and
 - b) Name of the dog; and
 - c) Breed and description of the dog (sex, colour, age, etc.); and
 - d) Spayed or neutered; and
 - e) Microchipped; and
 - f) Alternate contact information for the Owner of the dog; and
 - g) Dog date of birth.
- 5.5 Every License application shall be accompanied by the following:
 - a) Name, address, email address and telephone number of the Owner; and
 - b) Name of the dog; and
 - c) Breed and description of the dog (sex, colour, age, etc.); and
 - d) Spayed or neutered; and
 - e) Microchipped; and
 - f) Alternate contact information for the Owner of the dog; and
 - g) Dog date of birth; and
 - h) License fee, plus a late fee, if applicable.

At the discretion of the Township, additional registration information may be required.

- 5.6 Notwithstanding Section 5.5 hereof, the fees to License and register a Service Animal shall be waived with appropriate documentation, as determined by the Clerk.
- 5.7 The Licensing fee shall be paid pursuant to the most current Township of North Huron Fees and Charges By-law as amended from time to time.
- 5.8 Upon meeting the application requirements, the Owner shall be furnished with a tag bearing the identification number; and
 - a) 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.
 - b) Where a tag has been lost, an application shall be made to the Township for a replacement tag.

- c) The application for replacement tag shall be accompanied by proof that the current year's License fee has been paid and the application replacement tag fee.

- 5.9 No person shall remove a tag from a licensed dog, unless:
 - The dog is actively engaged in hunting, showing or dog trials; or
 - The dog is actively engaged in farming practices.
- 5.10 The Owner of a dog shall notify the Township of the change in Ownership of the dog or of the death of the dog.

6. Vicious Dogs

- 6.1 An Owner of a Vicious Dog shall post "Beware of Dog Signs" on the perimeter of the property upon which the dog is housed.
- 6.2 An Owner of a Vicious Dog shall keep such dog confined within the premises, or keep such dog confined in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the dog from escape and preventing entry from unsupervised children.
- 6.3 An Owner of a Vicious Dog shall ensure that the enclosure or other structure is locked at all times.
- 6.4 An Owner of a Vicious Dog shall notify the Animal Control Officer immediately upon discovery that the following has occurred:
 - a) The dog is running at large; or
 - b) The dog attacks or bites any Person or domestic animal; or
 - c) The dog becomes deceased.
- 6.5 No Owner of a Vicious Dog shall permit said dog to be walked by a Person under eighteen (18) years of age and shall ensure that the Vicious Dog is muzzled and leashed.
- 6.6 No Person shall abandon a Vicious Dog other than to a pound operated by, or on behalf of a municipality in Ontario, or to a registered research facility or supply facility under the Animals for Research Act.
- 6.7 All requirements for a Vicious Dog shall be required until the dog is destroyed, or Council exempts the Owner from the vicious dog requirements.
- 6.8 Council shall, upon the request of the Owner of the dog, hold a hearing to determine whether or not to exempt the Owner in whole or in part from the Vicious Dog requirements.
- 6.9 Nothing in this Section shall apply to limit the provisions of Section 4.1 and 5.1 of the Dog Owners' Liability Act.
- 6.10 All Owners of a Vicious Dog shall be liable for additional Vicious Dog licensing fees as established in the most current Township of North Huron Fees & Charges By-law.

7. Running at Large Dogs

- 7.1 No Owner of a dog shall permit said dog to run at large. The Owner of every dog within the Township shall restrain or cause such dog to be restrained by a leash when it is not on land or within any building or structure owned or leased by the Owner of such dog or is not within any building in which the Owner or such dog temporarily or permanently reside.
- 7.2 For the purposes of this By-law, a dog shall be deemed to be running at large when it is found off the premises upon which it is habitually kept and not under the control of any Person.

- 7.3 A dog, which is running at large contrary to the provisions of this By-law, may be seized and impounded by an Animal Control Officer or Municipal Law Enforcement Officer. A dog must be held for the appropriate time as specified in Section 7.4; and if not claimed and released or sold to an interested party for adoption, may be destroyed by the Pound Keeper.
- 7.4 With respect to any dog impounded under this By-law, the maximum period for redemption shall be three (3) days, exclusive of the day of which the dog was impounded, Statutory Holidays and Saturdays and Sundays.
- 7.5 A dog impounded under this By-law shall not be released by the Pound Keeper to the Owner without evidence of the following:
- a) A Dog Release Certificate has been issued by the Township of North Huron Animal Control Officer, or designate; and
 - b) Evidence that the dog has been properly Licensed by the Township of North Huron, or if applicable, the municipality in which it resides; and
 - c) All appropriate municipal administration fees as set out in the most recent Township Fees and Charges By-law have been paid to the Township; and
 - d) All boarding and veterinary fees as set out in the agreement with the Pound Keeper have been paid to the Pound Keeper.
- 7.6 Female dogs in heat must be confined to a building isolated from other dogs and must remain there until such time as the heat has ended.
- 7.7 Every Owner of a dog shall ensure such dog is secured so that it shall not be within three (3) feet (0.9 meters) of the property line, when not under the care and control of a Person.

8. Liability for Fees

- 8.1 Where a Dog License has been issued in accordance with Section 5 of this By-law and the fee has not been paid, the fees may be collected by action or in the same manner as municipal taxes.
- 8.2 Where a dog is impounded in accordance with Section 7 of this By-law, the Owner of the dog shall be liable for all prescribed fees, including the fees for destruction of the dog when the dog has been destroyed, whether or not the dog is claimed by the Owner. Where fees have not been paid, the fees may be collected by action or in the same manner as municipal taxes.
- 8.3 Where a Kennel License has been issued in accordance with Section 11 of this By-law and the fee has not been paid, the fees may be collected by action or in the same manner as municipal taxes.
- 8.4 If the Owner has not paid the fees within thirty (30) days of the written demand for payment, such fees may be collected by action or in the same manner as municipal taxes.

9. Dog Causing a Disturbance

- 9.1 No Person, having control of a dog, or being the Owner of a dog or a Kennel shall permit a dog or dogs to engage in persistent barking, calling, whining or other similar persistent noise likely to disturb the inhabitants, such that the sound is clearly audible at any point on the premises of a Person other than those premises where the sound originates for a continuous period of:
- a) more than one-half hour between the hours of 8:00 a.m. to 10:00 p.m., or;
 - b) longer than fifteen (15) minutes between the hours of 10:00 p.m. of one day and 8:00 a.m. of the following day.

10. Removal of Dog Excrement

- 10.1 A dog Owner shall remove forthwith excrement left by the dog anywhere in the

Township.

- 10.2 In any prosecution pursuant to a violation of Section 10.1 of this By-law, proof that the defendant is a blind person shall constitute a defense to such prosecution.

11. Kennels

Kennel Licenses - General

- 11.1 No Person shall own, operate, manage, control or supervise a Kennel on any property within the Township without a License.
- 11.2 Only the Owner may apply for and be issued a Kennel License. A License issued to an Owner is not transferable. The Kennel Owner must reside on the subject property.
- 11.3 Every Owner who applies for a License shall do so, in writing, on the form prescribed by the Township.
- 11.4 Each Owner who applies for a License shall pay all applicable fees, as established in the most current Township Fees & Charges By-law. The fee for a Kennel License shall cover all dogs owned and maintained by the Kennel Owner.
- 11.5 All Kennel Licenses shall expire annually, three hundred and sixty-five (365) days from the License start date.
- 11.6 Kennels shall at all times comply with and shall only be permitted in accordance with the Township's Zoning By-law, as amended.
- 11.7 A Kennel shall have a maximum of twenty-five (25) dogs at any one time. Kennels that lawfully existed at the time of original adoption of this By-law and that had more than 25 dogs shall be permitted to continue operating so long as the License remains in good standing and is reapplied for each year without any discontinuance of operations, but such operations shall not be permitted and expanded.
- 11.8 The Owner of a Licensed Kennel shall notify the Township immediately upon ceasing operation of the Kennel.

Kennel License – Application Requirements

- 11.9 Every Owner applying for a Kennel License shall, at least 15 business days before the expiry of the Kennel License, submit the following to the Clerk:
- a) Name, address, phone number, email address, property roll number, business/Kennel name.
 - b) Indication if the Kennel will be a Breeding Kennel, Boarding Kennel, or Hunting/Sporting/Sled Dog Kennel.
 - c) Upon initial application for a License, or where any change is proposed to an existing Licensed Kennel, a Site Plan drawn to scale showing the location of all buildings, structures, dog runs or facilities on the subject property, including the location of all buildings, structures, dog runs or facilities, or parts thereof, to be used as a Kennel. The Site Plan must also specify the distance which separates the Kennel from all property lines and all buildings, structures, dog runs or facilities, including any residential buildings situated on adjacent properties.
 - d) A floor plan, drawn to scale, of any building, structure, dog run, or facility using for the housing of dogs. The floor plan must graphically indicate the area being used for a Kennel including pens, dog runs, walkways, exits, fire extinguishers, etc.
 - e) A plan demonstrating how dog excrement will be handled and disposed of.
 - f) As determined necessary by the Inspector, proof that acoustical barriers have been installed, or in the case of a new Kennel the Inspector may require a

noise study from a qualified acoustical consultant demonstrating that predicted noise will not cause exceedances of environmental noise guidelines from stationary sources as published by the Ministry of the Environment, Conservation and Parks from time to time.

- g) Professional affiliation of Owner of the Kennel (i.e. Canadian Kennel Club, including a membership number, or other professional Kennel association).
- h) In the case of a Breeding Kennel, a list of all dogs currently being kept at the subject property, including both purebreds and non-purebreds, noting verification of current rabies vaccination for each dog, except where there is proof that they are under four (4) months of age.
- i) In the case of a Sled Dog Kennel, proof of active participation or registration in dog sled or similar races within the previous or upcoming twelve (12) months, as may be deemed acceptable by the Licensing Officer.
- j) In the case of a Hunting/Sporting Dog Kennel, proof of active membership in an Association incorporated under the Animal Pedigree Act (Canada) for registered Hunting Dogs; or proof of active membership in an Association for the purpose of Hunting Dog Training or Trailing; or a Hunting Dog License for each dog issued by the Ministry of Natural Resources within the previous twelve (12) months; or such other proof of active participation or registration in hunting activities within the previous or upcoming twelve (12) months as may be deemed acceptable by the Licensing Officer.
- k) The applicable fees, as established in the current Township Fees & Charges By-law.
- l) Proof of insurance by way of a Certificate of Insurance showing a minimum limit of \$2,000,000 (two million dollars) in Commercial General Liability.
- m) Subsequent to a Site Inspection, written clearance from the Animal Control Officer, confirming compliance with the Kennel License application and all Sections of this By-law.
- n) Sworn declaration that the Owner has not been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty or an offence under the Ontario Society for the Prevention of Cruelty to Animals Act, the Provincial Animal Welfare Services Act, 2019 or the Dog Owners' Liability Act.

11.10 In the case of a new or amended Kennel License, a Site inspection shall be required within thirty (30) days of the issuance of the License to confirm that the Kennel was constructed in accordance with the Site Plan and meets all other requirements of this By-law. Failure by the Owner to allow for such Inspection shall be grounds for revocation of the License.

11.11 In the case of a renewal of a Kennel License, a Site Inspection shall be required once annually in conjunction with the renewal of the License. Failure by the Owner to allow for such Inspection shall be grounds for revocation of the License.

Kennel License – Refusal or Revocation

11.12 The Clerk of the Township has the authority to refuse to issue a Kennel License where:

- a) All of the submission requirements set out in this By-law are not met;
- b) The location of the Kennel does not meet all of the applicable zoning requirements;
- c) In the case of an existing Kennel, the Owner is not in good standing under the By-law or any other Township By-law.

11.13 In the event that a Kennel License has been refused, the Clerk shall provide written notice to the applicant and/or Owner in accordance with Section 15 of this By-law, together with the reason for the refusal.

11.14 The Township may, at any time, revoke a Kennel License prior to its expiration, for any contravention of the provisions of this By-law if:

- a) The Township provides written notice of the By-law contravention to the Owner; and
- b) The Owner has not corrected the contravention within thirty (30) days of receiving the Township's written notice.

- 11.15 The aforesaid written notice in Section 11.13 or 11.14 shall state that the Owner of the Kennel shall have the opportunity to make submissions to Council, either written or in person, as to why the Kennel should be licensed or why the Kennel License should not be revoked. Said submissions to Council must be made within thirty (30) days of receiving the Township's written notice.
- 11.16 The written notice described in Section 11.13 or 11.14 shall be given in accordance with Section 15 of this By-law, to the applicant or Owner of the Kennel.
- 11.17 When considering any written submission outlined above, Council shall consider:
- a) The Kennel License Application;
 - b) The reason for refusal or revocation;
 - c) Any recommendations for conditions to be placed on the Kennel License; and
 - d) Any oral or written submissions made by the Owner or their representative.
- 11.18 Council may:
- a) Issue the Kennel License, with or without conditions; or
 - b) Refuse to issue the Kennel License.
- 11.19 The Clerk shall notify the applicant/Owner, in writing, of the Council decision within ten (10) days of the decision.
- 11.20 The Council decision shall be final and not subject to further review.

Kennel Conditions

- 11.21 No Kennel shall be located within any part of any dwelling unit or attached to any dwelling unit. No part of any building or structure enclosing a Kennel shall be used for human habitation.
- 11.22 Every Person who owns or operates a Kennel shall have regard for the guidelines set out in the most recent version of "A Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association.
- 11.23 No Person who owns or operates a Kennel shall keep dogs in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the dogs results in an accumulation of fecal matter, an odour, insect infestations, or rodent attractants which endanger the health of the animal, any Person or property.
- 11.24 Using the specifications and standards set out in "A Code of Practice for Canadian Kennel Operations" every Person who owns a Kennel shall provide the animals under their care, or cause them to be provided with:
- a) Clean, fresh, accessible drinking water and suitable food of sufficient quantity and quality to allow normal, healthy growth and the maintenance of normal, healthy body weight;
 - b) Food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) The opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
 - d) Necessary veterinary medical care when any animal exhibits signs of pain, injury, illness or suffering;
 - e) An enclosure with protection from heat, cold and wet that is of sufficient size to allow the animal the ability to turn around freely and lie in a normal position;
 - f) A run or pen area that is kept in a sanitary, well-ventilated condition, free from offensive odours, disease, insects or rodent infestation and excreta removed and properly disposed of daily.
- 11.25 No Person who owns a Kennel may cause a dog to be hitched, tied or fastened

within a Kennel.

- 11.26 The Owner of a Kennel shall maintain compliance with all environmental laws pertaining to the disposal of animal waste at all times.

Breeding Kennel Conditions

- 11.27 Every Breeding Kennel shall maintain the whelping bitch in separate accommodation from the balance of the dogs in the Kennel and shall keep any puppies in a whelping box that prevents puppies from escaping or harming themselves.
- 11.28 The whelping box shall be constructed with four sides and a floor made from impermeable materials and provide absorbent bedding in the whelping box to keep the puppies clean and dry.
- 11.29 Adequate supplemental heat shall be provided at all times to the Breeding Kennel.
- 11.30 All Breeding Kennels shall provide sufficient designated space for the proper enrichment and socializing of puppies to be offered for sale.

Kennel Records

- 11.31 Every Person who owns a Kennel shall maintain records of the following minimum information:
- a) The names and addresses of the Owners of all dogs cared for at the Kennel;
 - 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 age and breed of all dogs visiting, kept, bred and sold; and
 - e) The names and addresses of the purchasers of individual dogs;
- 11.32 Veterinarian records on individual dogs maintained in Breeding Kennels must be kept on site.
- 11.33 Vaccination records must be provided to the Kennel Owner of individual dogs maintained in Boarding Kennels.

Kennel Inspections - Posting of License

- 11.34 Every Person who holds a Kennel License shall, at all reasonable hours, be open to Inspection by the Township's Animal Control Officer and/or a Municipal Law Enforcement Officer, Ontario Society for the Prevention of Cruelty to Animals (OSPCA), Provincial Animal Welfare Service (PAWS) or such other persons trained in the area of disease control and sanitation as may be authorized by the Township.
- 11.35 Every Person who holds a Kennel License shall keep the License posted up in some conspicuous place on the premises and shall, when requested by any Person authorized by the Township, produce such License for Inspection.
- 11.36 Every Person who owns or operates a Kennel shall supply any records required under this By-law to the Animal Control Officer and/or Municipal Law Enforcement Officer forthwith upon request from the Officer.

12. Exemption from Kennel License

- 12.1 Section 11 of this By-law shall not apply to:
- a) any of the Township's animal care and control centres, as applicable,
 - b) the premises of the OSPCA, PAWS, or other governmental agency,
 - c) the premises of an accredited animal hospital, clinic, veterinary facility or Kennel lawfully operating under the supervision of a veterinarian Licensed pursuant to

the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended.

13. Administration and Enforcement

- 13.1 The administration of this By-law is assigned to the Clerk who may delegate the performance of their functions under this By-law, from time to time as occasion requires;
- 13.2 The Clerk shall issue or renew a License where the requirements and conditions of this By-law have been fulfilled.
- 13.3 No License shall be issued to any Person where the application made is in contravention of this By-law or any applicable legislation.
- 13.4 This By-law shall be enforced by an Animal Control Officer, Municipal Law Enforcement Officer or Peace Officer, designated for the purpose of enforcing this By-law.
- 13.5 The Animal Control Officer or Municipal Law Enforcement Officer may at any time request the assistance of the Ontario Provincial Police to enforce any provision of this By-law.
- 13.6 An Animal Control Officer, Municipal Law Enforcement Officer, or Peace Officer, upon producing proper identification, may enter on and inspect any land, at any reasonable time, without a warrant, for the purposes of carrying out an Inspection to determine whether or not the following are being complied with:
 - a) This By-law;
 - b) A direction or order of the Township made under the Municipal Act, 2001, or a By-law of the Township passed under the Municipal Act, 2001; and
 - c) A condition of a License.
- 13.7 For the purposes of an Inspection, the Township may:
 - a) require the production for Inspection of documents or things relevant to the Inspection;
 - b) inspect and remove documents or things relevant to the Inspection for the purpose of making copies or extracts;
 - c) require information from any Person concerning a matter related to the Inspection including their name, address, phone number and identification; and
 - d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the Inspection.
- 13.8 Any Person who hinders or obstructs, or attempts to hinder or obstruct, any Person who is exercising a power or performing a duty under the By-law is guilty of an offence.
- 13.9 A Person who fails to provide an Officer their name, address, date of birth, phone number or identification, after being lawfully required to do so, shall be guilty of an offence under Section 13.8.
- 13.10 No Person shall make a false statement on any registration, application, or form under this By-law.

14. Orders

- 14.1 Where the Township is satisfied that a contravention of this By-law has occurred, the Township may make an Order requiring the Person who contravened this By-law, or caused or permitted the contravention, or Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity or to do work to correct the contravention.
- 14.2 An Order under this By-law 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, or
- c) the work to be done and the date by which the work must be done.

14.3 Any Person who contravenes an Order under Section 14.1 of this By-law is guilty of an offence.

14.4 If a Person fails to do a matter or thing, including comply with an Order under this By-law, as directed or required by this By-law, the Township may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense. The Township may recover the cost of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.

15. Notice

15.1 An Order, notice or decision under this By-law shall be served personally or by registered mail. A copy of the Order, notice or decision may also be:

- a) Emailed to the last known address for the Person to whom the Order is directed;
- b) Deposited in a mailbox or mail slot of the Person to whom the Order is directed;
- or,
- c) Sent by pre-paid regular mail to the last known address of the Person to whom the Order is directed.

15.2 Where service is made by:

- a) Registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
- b) Personal service, it shall be deemed to be made on the day the document served was delivered.

16. Offences

16.1 Every Person who contravenes any provision of this By-law is guilty of an offence, and upon conviction is liable to a fine or penalty as provided for by the Provincial Offences Act, R.S.O. 1990 Chapter P.33, as amended.

16.2 A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence.

16.3 Each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in Section 429(2) of the Municipal Act, S.O. 2001, c. 25, as amended.

16.4 If a Person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

17. Repeal of By-law

17.1 That this By-law repeals and replaces By-law 88-2019 and all previous Animal Control By-laws.

17.2 This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time this XX day of XX, 2024.

Read a third time and passed this XX day of XX, 2024.

Paul Heffer, Reeve

CORPORATE SEAL

Carson Lamb, Clerk

DRAFT

SCHEDULE "A"

Township of North Huron

Part I Provincial Offences Act - Bylaw No. XX-2024: Animal Control

Being a By-law of the Township of North Huron for licensing, regulating and requiring registration of Dogs and Kennels; for imposing a License fee on Owners; and for prohibiting or regulating the running at large of Dogs within the Township of North Huron

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
Licensing			
1	Owner keeps more than four dogs	4.1	\$75.00
2	Owner fails to obtain a dog License	5.1	\$75.00
3	Remove dog tag from dog	5.9	\$75.00
Vicious Dogs			
4	Failure to post Vicious Dog signage	6.1	\$75.00
5	Fail to keep Vicious Dog confined	6.2	\$150.00
6	Fail to provide humane shelter to Vicious Dog confined in pen	6.2	\$150.00
7	Fail to ensure enclosure is locked	6.3	\$100.00
8	Fail to notify the Animal Control Officer that a Vicious Dog is at large	6.4 (a)	\$200.00
9	Fail to notify the Animal Control Officer of Vicious Dog attack/bite -Person or domestic animal	6.4 (b)	\$300.00
10	Owner permits a Person under eighteen to walk Vicious Dog	6.5	\$100.00
11	Owner fails to keep Vicious Dog muzzled when walking	6.5	\$150.00
12	Owner fails to keep Vicious Dog leashed when walking	6.5	\$150.00
13	Abandon Vicious Dog at non-approved location	6.6	\$200.00
Running at Large Dogs			
14	Permit dog to run at large	7.1	\$100.00
15	Fail to secure dog to remain inside three feet of property line	7.7	\$75.00
Nuisance			
16	Permit dog to engage in persistent barking, calling, whining or similar noise	9.1	\$100.00
17	Owner fails to remove dog excrement	10.1	\$100.00
Kennels			

18	Operate Kennel without a valid Kennel License	11.1	\$150.00
19	Keep dogs in Kennel in unsanitary condition	11.23	\$100.00
20	Fail to maintain Kennel records	11.31	\$150.00
21	Fail to allow Inspection of Kennel	11.34	\$200.00
22	Fail to keep Kennel License posted on premises	11.35	\$75.00
23	Fail to supply Kennel records upon request	11.36	\$150.00
Obstruction			
24	Obstruct/Hinder an Officer	13.8	\$500.00
25	Make false statement on registration/application/form required by By-law	13.10	\$500.00
Orders			
26	Contravenes an Order	14.3	\$500.00

NOTE: the general penalty provision for the offences listed above is Section 16.1 of By-law **XX-2024**, a certified copy of which has been filed.