

# THE CORPORATION OF THE TOWNSHIP OF MAPLETON

## BY-LAW NUMBER 2019-034

### Being a By-Law to Regulate and License the Keeping of Dogs, Dog Kennels and Dangerous Dogs within the Township of Mapleton and to repeal By-Law Number 2002-14

**WHEREAS** Section 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (hereinafter called "the *Act*") authorizes a lower-tier municipality to pass by-laws respecting animals;

**AND WHEREAS** Section 8 (3) of the *Act*, provides that a by-law passed under Section 11 may regulate or prohibit respecting a matter, provide for a system of licences, permit approvals or regulations and impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

**AND WHEREAS** Section 103 of the *Act*, authorizes municipalities to impound animals which are at large in contravention of any such by-law;

**AND WHEREAS** Section 105 of the *Act*, provides that if a municipality requires the muzzling of a dog under any circumstance, the council of the 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;

**AND WHEREAS** Council considers it advisable to regulate animals to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

**AND WHEREAS** Section 129 of the *Act* provides that a municipality may regulate with respect to noise;

**AND WHEREAS** Section 391 of the *Act*, enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it.

**NOW THEREFORE**, the Council of the Corporation of the Township of Mapleton hereby enacts as follow:

#### **PART 1      DEFINITIONS**

##### **1.01 In this By-law:**

- 1.      Aggressive, dangerous or vicious** means behaviour exhibited that, without mitigating factors, the dog has:
  - a) attacked, bitten or caused injury to a person, or
  - b) demonstrated a propensity to do so, or
  - c) attacked, bitten or caused injury to a domestic animal, or

- d) been placed on an Order to Restrain and is kept or permitted to be kept by its owner in violation of the requirements of such order
- 2. **Blind Person** means a person with a severe visual impairment.
- 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.
- 4. **Boarding:** means the taking in of domestic dogs for a period for profit or gain.
- 5. **Boarding Kennel** means a kennel where not more than twenty-five (25) dogs are housed or groomed.
- 6. **Breeding** means the generation of offspring.
- 7. **Breeding dog** means a dog that is kept for the purposes of breeding to produce the generation of offspring for the purposes of profit or gain.
- 8. **Breeding Kennel:** means any building, structure, dog run or other facility, or part thereof, where not more than twenty-five (25) breeding dogs are kept for the purpose of actively breeding, housing or selling purposes.
- 9. **Broker** means a pet dealer engaged in the business of re-selling puppies who were bred elsewhere and/or middleman dealers who obtain puppies from breeders and puppy mills, and then transport and re- sell them.
- 10. **By-law Enforcement Officer** means the person appointed by Council to administer the provisions of by-laws.
- 11. **Clerk** means the Clerk of the Corporation of the Township of Mapleton.
- 12. **Canine Control Officer** means the person or agency so designated by the Council, and any employees or agents of such person or agency, to carry out the provisions of this By-law.
- 13. **Confine** means to prevent the animal from leaving the owner's property and coming into contact with other persons or animals who have not consented to contact; when used in connection with a dog that is the subject of an Order to Restrain at the owner's property, means that the dog must be restrained by means of an enclosure, fence, leash or tether in order to prevent the animal from leaving the owner's property.
- 14. **Contain** means to have or hold a dog that is deemed to be running at large within the Township.
- 15. **Council** means the Council of the Corporation of the Township of Mapleton.
- 16. **Dog** means a member of the canine mammal, *Canis familiaris*.

17. **Dog Services Agreement** means an agreement between the Corporation of the Township of Mapleton and a contractor as defined by the Agreement.
18. **Domesticated Household Dog** means a domestic dog that is kept for companionship.
19. **Hearing** means a hearing as set out in Section 105 of the *Municipal Act* where it pertains to the muzzling of dogs.
20. **Hunting /Sporting/Sled Dog Kennel** means a kennel where not more than twenty-five (25) hunting/sporting or sled dogs are housed.
21. **Guide Dog, Service Dog or Special Assistance Dog** means a trained dog used specifically to help people who have disabilities, such as visual impairment, hearing impairments, mental disorders, seizures, mobility impairment, and diabetes.
22. **Guardian Dog** means a type of pastoral dog bred for the purpose of protecting livestock from predators.
23. **Kennel** means a place dogs are housed, groomed, bred, boarded, trained, sold or kept for hunting, sporting or sledding and includes Boarding Kennels, Breeding Kennels and Hunting/Sporting/Sled Dog Kennels which are licensed by the Township under the provisions of the Keeping of Dogs and Dog Kennels By-law.
24. **Licence** means a certificate permitting an owner to operate a Boarding Kennel, Breeding Kennel or Hunting/Sporting/Sled Dog Kennel, issued by the licensing officer upon compliance with the provision of this By-law.
25. **Licensing Officer** means the Clerk or any other person(s) appointed or designated by the Township for the purpose of administering and enforcing this By-law.
26. **Muzzle** means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
27. **Occupier** means a person residing in or using a property as its owner or tenant.
28. **Operator** means a person or company that engages in or runs a business or enterprise.
29. **Order to Comply** means an Order directing the owner or occupant of a dog or a kennel, to comply with the provisions set out in this by-law.
30. **Order to Restrain** means an order issued to an owner/person responsible for a dog that has bit or is believed to have acted aggressively/dangerously by a Canine Control Officer, By-law Enforcement Officer, Agent or Police Officer in accordance with the provisions of this by-law.

31. **Owner** means any person, partnership, association or corporation who possesses or harbours a dog and “own”, “owns” or “owned” have a corresponding meaning.
32. **Person** means an individual human being, his/her personal agent, heir, successors and assigns and shall include a corporation.
33. **Pit bull** means a dog as identified in the Dog Owners' *Liability Act*, which includes a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier, or a dog that has an appearance and physical characteristics that are substantially like those of dogs referred to above.
34. **Police Working Dog** means a dog trained to aid Law Enforcement Officers and which Dog is being used for Police Work purposes for the protection of the public, including the investigation of crime and the apprehension of law violators.
35. **Pound** means the place so designated by the Council of the Township of Mapleton and defined by the *Pounds Act* R.S.O 1990 c P 17 as amended from time to time.
36. **Pound Fee** means and includes any daily charge that may be collected by the operator of a pound.
37. **Pound Keeper** means the person or agency so designated as the Canine Control Officer for the Township.
38. **Puppy Mill** means a breeder who breeds dogs quickly for the purposes of profit as the motivating factor and conducts no breeding program. There is little attention to placement, care, health and socialization practices.
39. **Registered Retired Breeding Dog** means a dog that is no longer used for the purposes of breeding but is to continue to be housed within the breeding kennel, to a maximum of three (3) retired dogs, until such time as said dog has been rehomed, adopted, or is no longer living.
40. **Responsible person** means a person who is to be responsible for the care and control over the dog at all times.
41. **Running at Large** means a dog that is not on the property of the owner and not on a leash and/or under the control of a person responsible.
42. **Schedule of Fees** means the Township of Mapleton Fees and Charges By-law, as amended from time to time and approved under the authority of By-law that is passed for this purpose.
43. **Site Plan** means a landscaped plan of a lot showing the proposed building footprint, existing structures including buildings less than 108 sq. feet/10 m<sup>2</sup>,

septic tanks and fields, as well as all setbacks and any other detailed information.

44. **Site Plan Control Agreement** means where Section 41 of the *Planning Act* (Ont.) permits a municipality to establish a site plan control area (or areas) within the municipality. Where development is proposed within that area, a developer must obtain the approval of the municipal council (or its delegate) of such plans and drawings of the proposed development as are specified in the legislation.
45. **Township** means the Municipality of The Corporation of the Township of Mapleton.
46. **Waste Management System** means an approved method of collecting, storing and disposal of waste as set out in the *Environmental Protection Act*, R.S.O. 1990, as amended from time to time and the regulations contained therein.
47. **Zone** means a land use designation in a Zoning By-law passed under the provisions of the *Planning Act*.
48. **Zoning By-law** refers to the current comprehensive Zoning By-law 2010-080, as amended from time to time, of the Township of Mapleton.
49. **Zoning By-Law Amendment** means a provincially regulated process which is required in order to make a change to a zoning by-law.

## **PART 2 LICENSING OF DOGS WITHIN THE TOWNSHIP OF MAPLETON**

### **2.01 Duties of the Canine Control Officer**

1. Council, shall by resolution, appoint a Canine Control Officer whose duty it shall be to provide dog control services as set out in the Dog Control Services Agreement.

### **2.02 Licensing and Registration of Domesticated Household Dogs**

1. No person or persons shall own, harbour or keep more than three (3) domesticated household dogs on a lot.
2. The provisions of 2.02 (1) do not apply to:
  - a) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinary Association,
  - b) a pet store;
  - c) an Ontario Humane Society Shelter or the Pound which complies with this by-law;
  - d) a licensed Kennel; or
  - e) Police Working Dogs

3. No person shall own or harbour any dog(s), without having obtained a dog tag license for each dog from the Township, in accordance with the fees and charges by-law, except that:
  - a) The provisions of 2.02 (3) regarding the fees and charges, does not apply to a Guide Dog or Special Assistance Dog.
4. The license shall be taken out annually on or before March 1<sup>st</sup> of each year, or within thirty (30) days of the purchase of a dog or bringing a dog into the Township and shall expire on December 31<sup>st</sup>.
5. Every dog tag shall bear a license with a serial number and a record shall be kept by the Township showing the name, address and telephone number of the owner, the serial number of the license and information to identify the dog.
6. No person shall use a license on a dog other than the dog for which such license is issued, except that:
  - a) where an owner no longer possesses the registered dog due to death, rehoming or other circumstances, as the case may be, the registered license may be transferrable upon notification within seven (7) days to the Township.
  - b) such transfer of the license is subject to the ownership being unchanged from the time of registration.
7. No person other than the owner of the dog shall remove the license from such dog.
8. The owner shall keep the dog license securely fixed on the dog at all times, except that:
  - a) the owner of a livestock guardian dog may remove the license from said dog's collar while the dog is being actively used for livestock protection to repel predators, provided that the owner provides for alternative means of identification, including the name and address of the owner.
  - b) the owner of a hunting/sledding/sporting dog may remove the license from said dog, while the dog is actively engaged in hunting/sledding or registered sports related activities, provided that the owner provides for alternative means of identification, including the name and address of the owner.
9. A fee shall be charged for the replacement of a lost license, as set out in the Township's fees and charges by-law, as amended from time to time.

### **2.03 Animals at Large**

1. No owner or person responsible shall allow a dog to run at large in the Township of Mapleton.

2. A dog shall be 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, except that:
  - a) the provisions of 2.03 (2) may not apply to a dog(s) actively engaged in working or hunting.
3. When not on the property of the owner or person responsible, an owner/responsible person shall maintain care and control of their dog at all times.
4. Where a dog is not secured on a property by an enclosure, but is secured by a tie-out, chain or tether, such tie-out, chain or tether shall restrict any dog from being within six (6) feet of public property or access at the length of said tie-out chain or tether.
5. No owner/responsible person shall have a dog on public property within the Township unless the dog is on a secure leash.
6. Any dog found running at large, contrary to this by-law, may be seized and impounded by a canine control officer, by-law enforcement officer, agent or inspector for the Ontario SPCA or local humane society or police officer.
7. The canine control officer, by-law enforcement officer, agent or inspector for the Ontario SPCA or local humane society or police officer may enter onto any public property, or private property without the consent of the owner or tenant, for the purpose of retrieving any contained dog found to be at large.

#### **2.04 Dog Waste**

1. The owner/responsible person of a dog, except a Guide Dog, shall immediately remove and dispose of, in a sanitary manner, any excrement left by the dog under his or her control anywhere in the Township.

#### **2.05 Impoundment**

1. It shall be the duty of the canine control officer to retrieve a dog(s) that has been contained and is considered to be running at large.
2. The canine control officer will make every attempt to return a dog to the rightful owner(s)/responsible person's residence if known, or to impound, when practical, where the dog(s) can be confined.
3. No dog shall be held within the pound for any length of time greater than seventy-two (72) hours from the time of impoundment, exclusive of Sundays and holidays and the day of impoundment.
4. The owner/responsible person of every dog impounded, if known, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and

disposal fees applicable, and shall pay all fees on demand to the treasurer of the municipality or the canine control officer.

5. No dog shall be returned to the owner/responsible person unless it has been licensed and registered in accordance with the provisions of Section 2.02 of this By-law.
6. Where a dog is seized and impounded, the canine control officer may deem it necessary to humanly destroy a dog due to, injury, aggression or the safety of others. The decision to destroy said dog may be deemed fit by the canine control officer, without permitting any person to reclaim the dog or without offering it for sale and in that event, no damages or compensation shall be recoverable on account of its demise.
7. Where a dog kills or injures livestock or poultry, the provisions of the *Protection of Livestock and Poultry from Dogs Act* R.S.O. 1990 Chapter L.24, will prevail.

## **2.06 Surrendering of Animals**

1. An owner of a dog that has been impounded may give up ownership of the dog by surrendering the dog to the canine control officer, a member of a police service, and agent or the by-law enforcement officer.
2. By surrendering the dog, the owner is deemed to have relinquished all rights of ownership and possession of the dog.
3. A dog that has been surrendered immediately becomes the property of the Township and may be kept or disposed of as the Township deems appropriate, including:
  - a) placing the animal for adoption;
  - b) euthanasia, where in the opinion of the Township, the dog is not suitable for adoption or should be euthanized for humane reasons.

## **2.07 Adoption of Dog(s)**

1. Where at the end of the said seventy-two (72) hours, possession of the dog has not been restored to the owner/responsible person, the operator of the pound may arrange for the adoption of or disposal of said dog(s), in accordance with Chapter A.22 of the *Animals for Research Act*, Sections 20 (6) and (7).
2. All monies for the sale or adoption of unclaimed dogs shall be collected by the canine control officer for the Township.



## **PART 3 DANGEROUS AND AGGRESSIVE DOGS**

### **3.01 Order to Restrain**

1. Where a dog exhibits aggressive, dangerous or vicious behaviour towards a person or domestic animal, an Officer as designated by this by-law may issue an "Order to Restrain" to the owner/person responsible for the dog.
2. Any Order to Restrain may include but is not limited to:
  - a) confining the dog to the owner's/person's responsible property;
  - b) restraining the dog with a leash to a maximum length;
  - c) restraining the dog with a muzzle.
3. An owner/person's responsible for the dog which is the subject of an Order to Restrain shall ensure that the dog is under the control of a person at least sixteen (16) years of age when the dog is not on the owner's/person's responsible premises.
4. An owner/person's responsible for the dog which is the subject of an Order to Restrain, shall notify the Township within five (5) days of transfer if the dog is transferred to a new location or if the ownership of the dog is transferred to another person.
5. An owner/person's responsible shall provide the Township with the name, address and telephone number of the new owner within five (5) working days of selling or giving away the potentially dangerous dog.
6. An owner/person's responsible shall advise the Township within five (5) working days of the death of the potentially dangerous dog.
7. An owner/person's responsible shall advise the Township immediately if the potentially dangerous dog is running at large or has bitten or attacked any person or animal.
8. Every owner/person's responsible for the dog shall at all times comply with an Order to Restrain.

### **3.02 Request for Hearing**

1. Where a written request for a hearing subject to Section 105 of the *Act* has been received by an Owner/Person Responsible for a dog that has been served with an Order to Restrain, the Council of Mapleton shall provide for a hearing during regular Council to hear the requested exemption by the person subject to the Order to Restrain.
2. Council's decision-making authority as it applies to the hearing shall be governed by the Township's Procedural By-law, as amended from time to time by Council. Council shall conduct the hearing in open session.

3. Upon receipt of notification of a hearing, the Clerk shall prepare a report for the consideration of the hearing. The Owner/Person Responsible for the dog and any other interested party shall be provided with at least two (2) weeks' notice of the Council meeting and shall have the opportunity on the hearing date to address Council with their requests for exemption.
4. The Order to Restrain shall remain in full force and effect between the date of issuance and the date of the hearing. The Owner/Person Responsible of said dog, shall comply with all the requirements as outlined within the Order to Restrain.
5. At such time as Council makes its decision to confirm, modify or quash the Order to Restrain, the decision shall be considered to be final and binding and the Owner/Person Responsible of the dog shall comply therewith.
6. Within seven (7) days of the decision of the Council, the Clerk shall provide a written decision letter to the Owner/Person Responsible for said dog.

### **3.03 Order Expiration**

1. An Order to Restrain only expires upon the provision of proof that the dog is deceased, or the Township Clerk is satisfied that it no longer resides within the Township.

### **3.04 Quarantine Process**

1. If in the opinion and by the direction of the Wellington County Health Unit Inspector, the results of a dog bite to a person(s) or contact between a dog and a person(s) may result in human rabies, the Inspector may require said dog to be quarantined by the owner in addition to other regulation or direction and the owner of the dog shall:
  - a) quarantine the dog, in premise or on property, as per the direction of the Health Inspector; or
  - b) bring or ensure that the dog is brought to the Township approved pound facility to be put in quarantine; if the owner is not able to transport the dog, the dog shall be transported by the canine control officer;
  - c) be responsible for the costs associated with the quarantine, including the costs of any transportation, veterinary care required for the animal and any other daily care fees as provided in the applicable fees and charges by-law.

## **PART 4 PROVISION OF NEEDS**

### **4.01 Requirements for the Housing of Domesticated Household Dog(s)**

1. Every person who keeps a household domesticated dog(s) within the municipality shall provide the dog with, or cause it to be provided with:
  - a) clean, fresh drinking water readily available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
  - b) food and water receptacles to be kept clean and located to avoid contamination by excreta;
  - c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to run free within a fixed area and exercised regularly under appropriate control;
  - d) necessary veterinary medical care when the dog exhibits signs of pain, illness or suffering;
  - e) outdoor pens shall have a total area that is at least twice the length of the dog in all directions;
  - f) outdoor pens shall contain a house or shelter that will provide protection from heat, cold and wet that is appropriate to the dog's weight and type of coat. Such shelter must provide sufficient space to allow the dog the ability to turn around freely and lie in a normal position;
  - g) outdoor pens shall be located in an area providing sufficient shade to protect the dog from the direct rays of the sun at all times;
  - h) outdoor pens and runs must be regularly cleaned and sanitized and excreta removed and properly disposed;
  - i) No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck;
  - j) No person may cause a dog to be confined in an enclosed space, including a car, without adequate ventilation.

## **PART 5 LICENSING OF KENNELS**

### **5.01 Kennel License Requirements**

1. No person shall breed or board a dog(s) within the Township without a valid kennel licence.
2. No person shall broker dogs within the Township of Mapleton.
3. No person shall operate a puppy mill within the Township of Mapleton.
4. Kennels shall be owned, managed and operated by the property owner on which the kennel is located, and the kennel owner/operator/manager shall reside on the subject property.

5. All new kennel license applications shall be preceded by a Zoning By-law Amendment Application in accordance with the *Planning Act*, R.S.O. 1990 c.P. 13, as well as a Site Plan Control Agreement Application, in accordance with Site Plan Control By-law, as amended from time to time.
6. Every owner/operator of a kennel shall, before March 1<sup>st</sup> of each year, or upon application for a new kennel license, apply for and pay a kennel license fee in accordance with the requirements contained within the Township's Fees and Charges By-law.
7. An application for a new kennel licence or an annual kennel license renewal, in accordance with this by-law shall be submitted to the licensing officer and shall include a detailed site plan and the appropriate fee as per the Fees and Charges By-law.
8. Kennel licences shall only be issued by the licensing officer of the Township.
9. Every person who owns or operates a kennel shall comply with the applicable by-laws of the municipality. No kennel license shall be issued unless such kennel complies with the by-laws of the municipality. Where an owner or operator of a kennel fails to comply with a by-law of the municipality, the kennel license may be suspended or revoked.
10. Every owner/operator of a kennel shall, before March 1<sup>st</sup> of each year, or upon application for a new kennel, obtain a dog license for each dog within the kennel from the Township, in accordance with the Township's Fees and Charges By-law.
11. All new licenses and renewal licenses for a Boarding, Breeding, Hunting/Sporting/Sled dog Kennel in the Township will only be approved after the Township's canine control officer or by-law enforcement officer has inspected the premises to ensure compliance with this by-law. All inspection fees charged are to be paid by the applicant at the time of the application in accordance with the fees as set in the Township's fees and charges by-law.
12. All kennel licences shall be valid for a one-year period up until December 31<sup>st</sup> of each year.
13. Every person applying for a kennel licence, shall annually submit the following documentation to the licensing officer:
  - a) in all cases, written clearance from the Canine Control Officer/by-law Enforcement Officer, assuring compliance with Part 5 Section 5.01, 5.02 and 5.03 of this By-law, with any associated costs borne by the applicant;
  - b) in all cases, a site plan drawn to scale, showing the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for kennel purposes. The site plan must also specify the distance which separate the kennel buildings, structures, dog runs and

facilities from all lines and all buildings, including any residential buildings situated on the adjacent properties;

- c) a Sworn Declaration by the owner that he/she has never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty.
14. Every owner/operator of a kennel existing after 2001 and at the time of the passing of this by-law shall comply with the standards for kennels contained in this by-law within a six (6) month period of the passing of this by-law.
  15. No kennel shall be located within one hundred and fifty (150) metres (492 feet) of any adjacent property owner's habitable building or buildings used for the keeping of livestock.
  16. The Township may require the owner/operator of a kennel to provide acoustical barriers where necessary. Such barriers may include, but are not limited to:
    - a) Solid fencing
    - b) Natural buffer of trees and or mound of dirt.
  17. The Township may, at its' discretion, request a noise evaluation study prepared by a qualified acoustical consultant. Recommendation within the study, or as set out by the Township, shall be implemented as part of the Site Plan Control Agreement.
  18. Every kennel owner/operator existing at the time of the passage of this By-law shall comply with the terms and provisions of this by-law within a period of one (1) year from the date of the passage of this by-law.
  19. All boarding kennels shall be restricted to the number of dogs for which their existing facilities are designed, up to a maximum of twenty-five (25) dogs provided that the kennel complies with the regulations contained within this by-law.
  20. All breeding kennels shall be restricted to a maximum of twenty-five (25) dogs, except that:
    - a) in addition to the 25 breeding dogs, a maximum of 3 retired breeding dogs may also reside within the breeding kennel. All retired breeding dogs are to be included in the records as per Section 5.05, Subsection 1.

## **5.02 Cancellation of a License**

1. After having given thirty (30) days' notice in writing, the Township may, at any time, cancel a kennel license when it is of the Township's opinion that the continued operation of the kennel is not in the best interest of the Township. Such grounds for cancellation may include unresolved problems of noise, sanitation, care of dogs or uses other than permitted by the kennel license, as determined by the Township.

2. The aforesaid written notice shall state that the Owner of the kennel shall have opportunity to appeal such decision to the Council, either written or in person, as to why the kennel license should not be rescinded.
3. The written notice described in Subsection (1) above, shall be delivered in person or mailed by prepaid registered mail to the registered owner of the kennel.
4. The Council of the Township of Mapleton reserves the right to refuse a kennel license to any person or persons.

### **5.03 Breeding, Boarding and Hunting/Sporting/Sled Dog Kennel Conditions**

1. Every person who owns or operates a kennel shall have regard to the guidelines set out in "Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association, dated September 1994.
2. 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 infestation or rodent attractants which endanger the health of the animal or any person.
3. Every kennel shall be equipped with clean, fresh drinking water available and suitable food of sufficient quantity and quality to allow normal, healthy growth and the maintenance of normal, healthy body weight. Containers shall be clean, properly sized, made of stainless steel to maintain a healthy environment. Food and water receptacles shall be kept clean and located as to avoid contamination by excreta.
4. Every kennel shall be sufficient in size and height and of a design that permits each dog confined therein to:
  - a. stand normally to its full height;
  - b. turn around easily;
  - c. move about easily for the purpose of posture adjustments;
  - d. lie down in a fully extended position;
  - e. enable species-appropriate contact; and,
  - f. provide for the social and behavioral needs of the dog.
5. Every dog within a kennel shall be given the opportunity for periodic outdoor exercise within an outdoor pen/run.
6. Every dog within a kennel shall be given necessary veterinary medical care when any dog exhibits signs of pain, illness or suffering.
7. Every animal enclosure shall provide the animal with protection from heat, cold and wet and be of sufficient size to allow the animal the ability to turn around freely and lie in a normal position.
8. Every Kennel shall be kept in a sanitary, well-ventilated condition and free from offensive odours, disease and insect or rodent infestation. Feces shall be removed daily.

9. Every Kennel shall have floors and walls made of concrete or other impermeable material (including rigid plastic). Wire floors and cages shall not be permitted.
10. Floors in all pens, alley-ways and outdoor runs (or any area resembling the same) shall be sloped to allow for sufficient drainage.
11. Every kennel shall be equipped with a tested and working fire extinguisher located at each exit and entrance.

#### **5.04 Breeding Kennel Conditions (In Addition To 5.03)**

1. Every Breeding Kennel shall maintain the whelping in separate accommodations from the balance of the dogs in the kennel.
2. The whelping box shall be constructed with four sides and a floor made from impermeable materials.
3. Adequate supplemental heat shall be required at all times.
4. All breeding kennels shall provide sufficient designated space for the proper enrichment and socializing of puppies to be offered for sale.

#### **5.05 Breeding Kennel Records**

1. Every owner of a breeding kennel shall maintain records with the following minimum information:
  - a) the names of all dogs cared for at the kennels; inclusive of all retired dogs and puppies.
  - b) the dates of arrivals and departures of individual dogs from the kennels;
  - c) the dates of birth of all individual puppies.
  - d) the breeding and identification records of all whelping female and male dogs and the resulting litters.
  - e) the names and addresses of the purchasers of individual dogs and puppies.
  - f) all veterinarian records, including vaccination records, of individual dogs and puppies.

#### **5.06 Boarding Kennel Records**

1. Every owner of a boarding kennel shall maintain records with the following minimum information:
  - a) The names of all dogs cared for at the kennel;
  - b) the dates of arrival and departure of all dogs;
  - c) the names and addresses of the owners of all dogs cared for at the Kennel.

### **5.07 Kennel Inspections/Posting of License**

1. Every owner/operator of a kennel shall, at all reasonable hours, be open to inspection by the Township's canine control officer or by-law enforcement officer.
2. Every owner/operator of a kennel shall post said license in a conspicuous place on the premises and shall, when so requested by any person authorized by the Township, produce such license for inspection.

### **5.08 Confinement and Noise**

1. All dogs shall be confined inside the kennel during the hours of 10:00 p.m. to 7:00 a.m.
2. The owner of a kennel shall maintain compliance with applicable Township by-laws at all times.
3. No owner of any dog shall permit the dog to make any noise likely to disturb the inhabitants of the Township.
4. Every person who owns or operates a kennel shall undertake measures to ensure that residences on adjacent properties are not subjected to persistent noise by the barking of the dogs kept at a kennel operation.
5. Where the municipality receives a complaint concerning noise from a licensed kennel, the canine control officer or by-law enforcement officer shall investigate such complaints and may at his or her sole discretion issue a fine against the owner of such a kennel.
6. Every kennel shall have a manure receptacle for the storage of dog waste. All kennel owners shall comply with the provisions of Part V of the *Environmental Act*, R.S.O. 1990 and all Regulations thereto with respect to waste management systems, including but not limited to the collection and disposal of waste.

### **5.09 Revocation of License**

1. Any license issued under the provisions of this by-law may be revoked by the Township, 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 by registered mail or personal delivery; and,
  - b) the owner has not corrected the by-law contravention within ten (10) days of receiving the Township's written notice.
  - c) following the revocation of a license, the owner may apply for a hearing before council following the same procedures as set out in sections 5.02 of this by-law.



## **PART 6 MISCELLANEOUS MATTERS**

### **6.01 Order to Comply**

1. Where any owner or person responsible has contravened this by-law, an officer, as defined, may issue an Order to Comply, outlining the by-law contraventions as well as the remedial actions.
2. Where an Order to Comply has been issued pursuant to this by-law, and the requirements of the Order have not been complied with, the Township of Mapleton may direct that the work be done at the expense of the owner or occupant and or may issue a fine as per the set fine schedule as approved by the Minister of the Attorney General's Office of Ontario. The expense incurred may be recovered by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

### **6.02 Damages and Compensation**

1. The Township, its agents, Canine Control Officer and the pound keeper shall not be liable for damages or compensation for any dog injured or killed under the provisions of this by-law, or for exercising its powers of enforcement or inspection herein, and no such damages or compensation shall be paid to any person.

### **6.03 Enforcement**

1. This by-law may be enforced by a Canine Control Officer, By-law Enforcement Officer, police officer, and agent for the Ontario SPCA, or any other person appointed by Council for that purpose.

### **6.04 Inspection**

1. An Officer appointed by this by-law, may enter on to lands at any reasonable time for the purposes of carrying out an inspection to determine whether the following are being complied with:
  - a) this by-law;
  - b) a direction or order of the Township made under this by-law
  - c) a condition of a license.
2. 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;

- 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.

**6.05 Contravention of an Order**

- 1. Any person who contravenes an order written under this by-law is guilty of an offence.

**6.06 Penalty and Offence Provisions**

- 1. Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in the *Provincial Offences Act*, R.S.O., 1990 c. P33, as amended.
- 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.
- 3. Any person who hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising a power or performing a duty under this *Act* or under a by-law passed under this *Act* is guilty of an offence.
- 4. All contraventions of this by-law shall be designated as a continuing offence.
- 5. Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions shall remain in full force and effect.


**6.07 Repeal of Old By-Law**

- 1. That By-law Number 2002-14 is hereby repealed.

**6.08 Effective Date of This By-Law**

That this By-Law shall come into force on the passing thereof and may be cited as the "Dog By-law"

**READ** a first, second and third time and passed this 9<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
Mayor Gregg Davidson

  
\_\_\_\_\_  
Clerk Barb Schellenberger