



BY-LAW NO. 2005-267

OF

The Corporation of Norfolk County

BEING A BY-LAW TO REGULATE DOGS RUNNING AT LARGE AND TO PROVIDE FOR THE LICENSING THEREOF.

WHEREAS Section 11 (1) 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits a municipality to pass by-laws respecting animals;

AND WHEREAS the Council of Norfolk County deems it necessary to prohibit dogs from running at large in the municipality and to provide for the licensing thereof;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF NORFOLK COUNTY HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-law shall be known as the "Dog Control By-law".

2. DEFINITIONS

2.1 Agricultural Zone – shall mean those areas of the municipality designated for various land uses as identified in the applicable zoning by-law and, for the purposes of this By-law, shall include all agricultural zones.

2.2 Animal Hospital – shall mean an animal hospital or clinic lawfully operated and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.

2.3 Animal Rescue Facility – shall mean an animal rescue facility that is operating a legitimate rescue program for a specific dog breed recognized by the Animal Pedigree Act (Canada).

2.4 Approved Foster Home – shall mean an approved foster home that is lawfully operated by the local Humane Society.

- 2.5 Canine Control Officer – shall mean a person under contract with the Corporation for the purposes of providing Canine Control Services and Facilities for the impounding, caring and disposal of dogs and the issuing of licences.
- 2.6 Corporation – shall mean the Corporation of Norfolk County.
- 2.7 Council – shall mean the Corporation of Norfolk County.
- 2.8 Dog – shall mean a dog whether male, female, neutered or spayed which is four months of age or older.
- 2.9 Dog Licensing Locations – shall include any office or retail outlet authorized by agreement or otherwise by the Corporation to issue dog licences for the Corporation.
- 2.10 Kennel – shall mean a place or confine where dogs are bred, raised or cared for, for remuneration, and that the kennel of dogs are registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) but does not include an animal hospital, an animal rescue facility, an approved foster home or the OSPCA.
- 2.11 Leash – shall mean a line or cord not exceeding 2 metres (6 feet, 6 inches) in length which is used to secure or restrain a dog.
- 2.12 Licence Fee – shall mean the fee imposed upon the owner of a dog or the owner of a kennel by the Corporation.
- 2.13 Municipal Law Enforcement Officer – shall mean a person appointed by the Council of the Corporation of Norfolk County for the purposes of enforcing County by-laws and for the purposes of this By-law shall include a Canine Control Officer or the Ontario Provincial Police or any other police agency.
- 2.14 Municipality – shall mean Norfolk County.
- 2.15 OSPCA – means the Ontario Society for the Prevention of Cruelty to Animals.
- 2.16 Owner – shall include any person who harbours, possesses or is the keeper of a dog and where the owner of a dog is a minor, the person responsible for the custody of the minor.
- 2.17 Pen – shall mean any building, structure or other enclosure constructed or used primarily for the purpose of enclosing animals and includes, but is not limited to, any enclosure known as a dog run or dog pen.

- 2.18 Person – shall include any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency.
- 2.19 Police Dog – shall mean a dog trained to perform work for any police service.
- 2.20 Pound – shall mean the premises or facility operated or designated by Norfolk County used for the detention, maintenance or disposal of dogs that have been impounded in accordance with the provisions of the by-law.
- 2.21 Retail Pet Store – shall mean a retail store that sells dogs or other animals.
- 2.22 Residential Zone – shall mean those areas of the municipality designated for various land uses as identified in the applicable zoning by-law and, for the purposes of this By-law, shall include all residential zones, all commercial zones, all institutional zones, all open space zones, hazard land zone, Long Point zone and all development zones.
- 2.23 Running at Large – shall mean that a dog shall be deemed to be running at large if found on premises other than that of the owner of the dog or not under the care and control of a person who is physically capable of restraining the dog.
- 2.24 Service Dog – shall mean any dog trained by a recognized school for service as a service dog to work or perform tasks for the benefit of an individual with a disability and includes an animal used in therapy that is registered with a recognized organization for that purpose.
- 2.25 Zoning By-law – shall mean a by-law that restricts or regulates the use of land.

3. GENERAL PROVISIONS

- 3.1 No person shall cause or allow or permit a dog to run at large at anytime within the municipality.
- 3.2 An owner of a dog shall keep the dog leashed at all times when off the premises of the owner.
- 3.2.1 Notwithstanding Section 3.2, the owner of a dog is not required to keep the dog leashed when the dog is on land where prior consent is given by the person owning the land.

- 3.3 No person shall have a dog on a leash exceeding 2 metres (6 feet, 6 inches) in length.
- 3.4 The owner of a dog shall remove or cause to be removed forthwith any excrement left by the dog on any land in the municipality other than that of the owner of the dog.
- 3.5 A dog found running at large within the municipality shall be seized and impounded by the Canine Control Officer.
- 3.6 A pen shall be located at least 3 metres from any property line.
- 3.7 Where any owner keeps a dog within a pen, the owner shall keep and maintain all portions of such pens in a clean and sanitary condition.
- 3.7.1 Notwithstanding Section 3.7 of this By-law, the owner will not be required to remove a pen that existed on the date of passage of this By-law so long as the pen is used continuously for the housing of dogs.
- 3.7.2 In regard to Section 3.7.1 of this By-law, the use of a pen shall be deemed to cease continuous use three months after the dog dies or is otherwise disposed of.
- 3.8 In regard to Sections 3.7.1 and 3.7.2 of this By-law, the onus of proof of continuous use is the burden of the owner and such proof must be to the satisfaction of the municipality.
- 3.9 Notwithstanding any other provisions contained in this By-law, the number of dogs shall be limited to no more than three (3) within any household in a residential zone.
- 3.9.1 Notwithstanding Section 3.9 of this By-law, any person who was lawfully keeping more than three (3) dogs on June 12th, 2001 shall be permitted to keep these dogs until they die or are otherwise disposed of.

4. GENERAL LICENSING PROVISIONS

- 4.1 All owners of dogs shall pay annually to the Corporation the applicable licence fee as set out in Schedule 'A' forming part of this By-law.
- 4.1.1 Notwithstanding Section 4.1 of this By-law, service dogs are exempt from the licensing fee provisions of this By-law.

- 4.1.2 Notwithstanding Section 4.1.1 of this By-law, all service dogs must be registered with the Corporation.
 - 4.1.3 Notwithstanding Section 4.1 of this By-law, all police dogs are exempt from any licensing provision contained within this By-law.
 - 4.1.4 Notwithstanding Section 4.1 of this By-law, dogs housed by an animal rescue facility, an animal hospital, an approved foster home, a pound, a retail pet store or the OSPCA are not subject to the licensing requirements contained in this By-law while in their custody, control or care.
 - 4.2 No person shall own, harbour or possess a dog within Norfolk County unless that person has procured a licence to do so on or before the 1st day of February or the first business day following in each year.
 - 4.3 The owner of a dog shall cause the dog to be licenced within 10 days of becoming the owner.
 - 4.3.1 The burden of proof establishing date of ownership shall be that of the owner.
 - 4.4 Upon payment of the applicable licence fee, the owner shall be furnished with a dog tag.
 - 4.5 A dog tag shall be securely affixed upon the dog at all times.
 - 4.5.1 Notwithstanding Section 4.5 of this By-law, a dog that is being utilized for hunting purposes lawfully shall not be required to have a dog tag affixed while said dog is actively engaged in hunting activities.
 - 4.6 Where a dog is identified by the owner as being spayed or neutered, a certificate in writing from a veterinarian or an affidavit sworn by the owner shall be produced as proof by the owner at the time of the purchase of the dog tag.
 - 4.7 Every dog tag issued is personal to the dog owner thereof and no licence is transferable.
5. KENNEL LICENSING PROVISIONS
- 5.1 All owners of kennels shall pay annually to the Corporation the applicable kennel licence fee as set out in Schedule 'A' forming part of this By-law.

- 5.2 All owners of kennels shall procure a kennel licence on or before the 1st day of February or the first business day following of each year.
- 5.3 A kennel licence shall only be issued to a person whose land is agriculturally zoned and meets the requirements of the applicable zoning by-law.
- 5.4 No licence shall be issued for a kennel until the owner of the said kennel produces a Certificate of Registry with an association incorporated under the Animal Pedigree Act (Canada).
- 5.5 Upon payment of the applicable kennel licence fee, the owner of the kennel shall be provided with a sufficient number of dog tags for the number of dogs housed at the time of purchase of the licence.
- 5.6 A kennel licence is personal to the owner of the kennel and is not transferable.
- 5.7 A kennel licence shall only be issued by a Municipal Law Enforcement Officer or his or her designate.

6. ENFORCEMENT

- 6.1 This By-law shall be enforced by a Municipal Law Enforcement Officer or the Canine Control Officer.
- 6.2 The Canine Control Officer shall comply with the provisions of the Animals for Research Act, R.S.O. 1990, as amended and the regulations made thereunder.
- 6.3 No dog shall be returned to the owner thereof by the Canine Control Officer until the owner has paid such amount as may be required pursuant to the Animals for Research Act, R.S.O. 1990, as amended together with any applicable pound fees.
- 6.4 No dog that has been impounded by the Canine Control Officer shall be returned to the owner thereof until the owner can produce to the satisfaction of the Canine Control Officer or the Corporation proof that the applicable licence fee provided for in Schedule 'A' forming part of this By-law has been paid.
- 6.5 Where the owner of the dog cannot produce satisfactory proof that the applicable licence fee as provided for in Schedule 'A' of this By-law has been paid as required in Section 5.4 forming part of this By-law, the applicable licence fee must be paid to the Canine Control Officer prior to the dog being redeemed by the owner.

7. PENALTY

7.1 Every person who contravenes this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act, R.S.O. 1990, as amended.

8. SEVERABILITY

8.1 In the event that any of the provisions of this By-law are deemed ultra vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

9. REPEAL

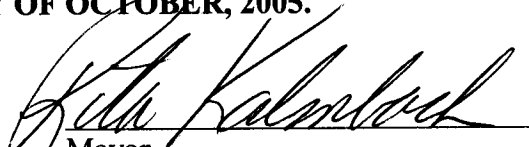
9.1 That Norfolk County By-law 2001-125 and any amendments thereto are repealed in its entirety.

10. EFFECTIVE DATE

10.1 This By-law shall become effective upon the passing thereof and upon the approval of the set fines by the Regional Senior Justice of the Ontario Court of Justice.

ENACTED AND PASSED THIS 25TH DAY OF OCTOBER, 2005.

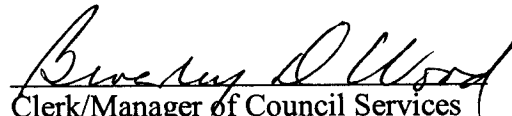
First Reading: October 25, 2005



Mayor

Second Reading: October 25, 2005

Third Reading: October 25, 2005



Clerk/Manager of Council Services

SCHEDULE 'A' TO NORFOLK COUNTY DOG CONTROL BY-LAW 2005-267

LICENSING FEES

1. The licensing fee for a spayed or neutered dog shall be \$15.00 per dog.
2. The licensing fee for an intact male or female dog shall be \$25.00 per dog.
3. The licence fee for a kennel shall be \$45.00.
4. An additional \$5.00 fee shall be imposed onto the original applicable licence fee or kennel fee if the licence is purchased after February 1st of the licensing year.
5. There is no charge for a replacement dog tag.
6. There is no fee for a service dog.