Whereas Section 10(2) of the Municipal Act, 2001, S.O. 2001, C.25, as amended, authorizes a single-tier municipality to pass by-laws respecting animals;

And Whereas Section 103 of the said Act confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the By-Law under certain conditions;

And Whereas Section 391 of the said 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;

And Whereas the Council of The Corporation of Norfolk County deems it expedient to license dogs, to regulate and control animals in the municipality and to regulate the care and keeping of animals pursuant to its authority to do so under the said Act and any other applicable Act;

And Whereas the Farming and Food Protection Act, 1998, S.O.1998, c.1 states in s.(6) that no municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation, and therefore anything deemed a Normal Farm Practice will be exempt from this By-Law;


And Whereas the Ontario Society for the Prevention of Cruelty to Animals Act R.S.O. 1990, CHAPTER O.36 as amended, provides for the basic standards of care for all animals.

Now Therefore the Council of the Corporation of Norfolk County Enacts as follows:

Section 1 General Provisions

1.1 Short Title

1.1.1 This By-Law shall be known as the "Animal Care and Control By-Law".
1.2 DEFINITIONS

1.2.1 In this By-Law:

"Animal" means any bird, reptile, amphibian or mammal excluding humans and Wild Animals;

"Animal Control Services" means the animal control provider serving Norfolk County from time to time, that operates a Recognized Animal Shelter or Pound and that may be referred to hereinafter as the "ACS";

"At Large" means an Animal not under the control of an Individual by means of a Leash and is actually upon real property other than;
   a) The real property in respect of which the Owner has the right of occupation, or
   b) upon any County real property which has been designated as an off-leash area;

"Attack" means physical contact by an Animal that results in injury to an Individual or damage to the property of any Person, including but not limited to, bleeding, bone breakage, a sprain, a scratch, bruising or damage to clothing worn by an Individual, other than accidental contact, and "attacked" or "attacking" have a corresponding meaning;

"Bite" means a wound or wounds, caused by teeth, to the skin of an Individual or an Animal that causes the skin to bruise, puncture or break;

"Cat" means a male or female member of the feline family;

"County" means the municipal corporation known as The Corporation of Norfolk County and/or the geographic area of Norfolk County, as the context requires;

"Clerk" means the Clerk of The Corporation of Norfolk County;

"Committee" means the By-Law Appeals Committee;

"Council" means the Council of The Corporation of Norfolk County;

"Dangerous Animal" means any Animal, regardless of age, whether on public or private property, which has
   a) Attacked, injured or bitten or caused injury to an Individual or Animal,
   b) has damaged or destroyed any public or private property, or
   c) has threatened or created the reasonable apprehension of a threat to an Individual or Animal, and
   d) includes any Animal which has previously been declared vicious or dangerous in any jurisdiction;

"Dangerous Dog" means a Dangerous Animal;
"Dog Park" means an area in a park that has been designated by the County as a park in which Dogs, subject to the rules and regulations set out in this By-Law, are permitted to run off-leash;

"Dog" means a male or female member of the canine family;

"Domestic Animal" means any tamed or domesticated Animal which lives in close association with humans as a Pet or work Animal;

"Dwelling Unit" means a building, room or rooms occupied or intended for use as a housekeeping unit in which sanitary, cooking, living and sleeping facilities exist;

"Exotic Animal" means a rare or unusual Animal which is generally thought of as a wild species not typically kept as a Pet;

"Individual" means a single human being as distinct from a group;

"Keep" means to have temporary or permanent control or possession of an Animal, and the words "kept" or "keeping" have a corresponding meaning;

"Kennel" means any Premises, cages, or pens, excluding Recognized Animal Shelters, Pet Shops and grooming establishments, where four (4) or more Dogs are lodged, treated, bred, kept or boarded. A Kennel may be classified as one or more of the following:

(a) "Breeding Kennel" is a Kennel where the primary purpose of the facility is for the breeding of Dogs of the same breed;

(b) "Commercial Kennel" is a Kennel where the primary purpose of the facility is for the boarding of Dogs for hire or gain;

(c) "Hobby Kennel" is a Kennel where the primary purpose of the facility is for the Keeping of Dogs for personal use, hunting or show, kept for the purpose of training and where there is no boarding and no revenue derived from the Kennel;

"Kennel Club" means an organization for canine affairs that concerns itself with the breeding, showing and promotion of one or more breed of Dog;

"Leash" means a restraint consisting of a rope, light chain, or other material held by an Individual and used to restrain an Animal;

"Livestock" means any domestic or farm Animal, including, but not limited to, poultry, cattle, swine, horses, mink or other furbearing Animals, rabbits, sheep, goats and other types of Animals listed by the Agricultural Code of Practice of the Ontario Ministry of Agriculture, Food and Rural Affairs;
"Medical Officer of Health" means the Medical Officer of Health for the County or authorized assistants or persons acting under his or her authority;

"Motor Vehicle" means a Motor Vehicle as defined in the Highway Traffic Act R.S.O. 1990, c. H8, as amended;

"Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of an Animal to prevent it from biting an Individual or Animal, and the words "muzzled" and "muzzling" have a corresponding meaning;

"Muzzle Order" means an order issued by an Officer or a court to an Owner concerning his or her Dangerous Dog;

"Normal Farm Practice" means a practice that,
   a) is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
   b) makes use of innovative technology in a manner consistent with proper advanced farm management practices.

"Officer" means an Individual duly appointed by Council as a Municipal Law Enforcement Officer and/or as an Animal Control Officer, including agents and inspectors designated as such under the OSPCA Act, and it also means all other enforcement Officers as may be appointed by the Government of Canada, the Province of Ontario or the County and includes Police;

"Official Sign(s)" means a sign or signs authorized by the County;

"Off-Leash Area" means a Dog Park as designated by the County;

"OSPCA" means the Ontario Society for the Prevention of Cruelty to Animals as constituted under the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, Chapter 0.36, as amended (the "OSPCA Act");

"Owner" means any Person who possesses or harbours an Animal, and where the Owner is a minor Individual, it includes the Individual responsible for the custody of the minor, and includes a Person who has possession or custody of the Animal, either temporarily or permanently, and the word "owns" has a corresponding meaning;

"Person" includes any Individual, corporation, partnership, whether limited or general in nature, association or any other entity recognized in law for the purposes of the administration and enforcement of this By-Law;

"Pet" means any domesticated or tamed Animal that is kept as a companion or for protection and cared for affectionately;

"Pet Shop" means a shop or place where Animals are sold or kept for sale for use as Pets;
"Petting Zoo" means a collection of Animals that children may pet and feed and that are not Prohibited Animals;

"Police" means the police service providing police services to the County;

"Pound" means the County facility established for the holding of impounded Animals as set out in this By-Law in accordance with the Animals for Research Act, R.S.O. 1990, Chapter A.22, as amended, and may include the Premises of any ACS or another designate;

"Premises" includes land, buildings and any parts thereof;

"Prohibited Animals" means those Animals identified in Schedule B of this By-Law;


"Recognized Animal Shelter" means an establishment approved by the County and supported by charitable contributions, that provides a temporary home for Dogs, Cats, and other Animals that are offered for adoption;

"Service Dog" means an Animal trained by a recognized school for service as a guide Dog for the blind or visually impaired, a guide Dog for the deaf or hearing-impaired or a special skills Dog or Animal for disabled persons;

"Shelter" means a structurally sound and sufficient, weatherproof enclosure of dimensions sufficient to protect the full body of the Animal for whose use it is intended from the elements and in which the Animal is able to fully stand up, sit down, turn around and lay down with its limbs fully extended;

"Sterilized" in respect of a Dog or Cat means either spayed or neutered and "sterilization" has a corresponding meaning;

"Tether" means a rope, chain or any restraining device that prevents an Animal from moving away from a localized area and the words "tethered" and "tethering" have a corresponding meaning;

"Veterinary Facility" means a facility in which veterinary medicine is practiced and includes a building, a Kennel and a mobile veterinary clinic which is controlled by a veterinarian for the practice of veterinary medicine;

"Wild Animal" means an untamed or undomesticated Animal that, as a matter of common knowledge, is naturally ferocious, unpredictable, dangerous, mischievous, or not by custom devoted to the service of mankind at the time and in the place in which it is kept but does not include an Exotic Animal;
"Without Provocation", in reference to a Bite or Attack on an Individual or Animal, means the absence of any teasing, tormenting or abusive or unwanted physical or verbal contact by the Individual or Animal who sustained the Bite or Attack.

### 1.3 INTERPRETATION

1.3.1 The schedules annexed to this By-Law shall form part of this By-Law.

1.3.2 For the purpose of this By-Law, unless the context requires otherwise:

1. **words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and neuter genders as the context may require; and**

2. **where a form of words or expression are prescribed in this By-Law, deviations there from not affecting the substance or calculated to mislead do not vitiate them.**

### SECTION 2 CARE OF ANIMALS

#### 2.1 RESPONSIBILITY TO CARE FOR ANIMALS

2.1.1 Every Person who Keeps an Animal within the County shall provide it or cause it to be provided, at all times with:

1. **a clean and sanitary environment free from the accumulation of waste matter; and**

2. **adequate and appropriate:**
   - (a) care;
   - (b) fresh food;
   - (c) unfrozen, fresh and clean water;
   - (d) shelter from the elements;
   - (e) veterinary medical care when the Animal exhibits signs of pain, discomfort, illness or suffering; and,

3. **the opportunity for physical activity sufficient to maintain good health.**

2.1.2 Every Person who Keeps an Animal that normally resides outside, or that is kept outside unsupervised for extended periods of time shall, in addition to complying with the requirements set out in article 2.1.1 Keep the Animal within a confined area within the lands that form part of the Premises and ensure that the Animal is provided with, and has complete and unrestricted access to the following:

1. **a Shelter that is constructed to protect the Animal’s entire body from the elements, having regard to the Animal’s weight and type of coat, and that is raised above the surface of the ground and that has an entrance that faces away from the prevailing wind; and**
(2) an area separate and apart from the Shelter for the Animal to use for defecation and urination; and

(3) an area separate and apart from the Shelter that provides the Animal with sufficient shade and protection from direct sunlight at any time of the day; and

(4) an area that is dry and free from standing water.

2.2 TETHERS

2.2.1 No Person shall Keep an Animal Tethered unless:

(1) the Tether is a minimum of four (4) metres in length; and

(2) the Animal has unrestricted and unobstructed movement within the range of the Tether; and

(3) the Animal has access to water, food and Shelter; and

(4) the Tether is securely attached to a flat collar or other humane harnessing device and not to a choke collar, choke chain or pronged collar; and

(5) the Animal is Tethered in a way that it will not injure itself.

2.2.2 In no case shall a Tether permit the Animal to go beyond the limits of the Person's lands that form a part of the Person's Premises.

2.2.3 In no case shall a Person Tether an Animal by tying or affixing a rope, cord, chain or any other restraining device directly around the Animal's neck.

2.3 KEEPING ANIMALS UNDER SANITARY CONDITIONS

2.3.1 Every Person who Keeps an Animal within the County shall Keep the Animal, or cause the Animal to be kept on Premises that are free from the accumulation of fecal or other waste matter, foul odour, insect infestation, rodent attractants or any other unsanitary condition that disturbs or is likely to disturb the enjoyment, comfort or convenience of any Person or Animal, or that may endanger the health of any Person or Animal.

2.3.2 Article 2.3.1 does not apply to Livestock kept in accordance with the provisions of subsection 6.6 of this By-Law.
SECTION 3 KENNELS

3.1 REGULATIONS

3.1.1 No Person shall construct, establish, maintain or operate a Kennel in the County unless:

(1) the Kennel is constructed, established, maintained and operated in compliance with the provisions of this By-Law, any other applicable municipal By-Law and any applicable act or regulation including, without restricting the generality of the foregoing, the Zoning By-Law applicable for the Premises, as amended, and any successor thereto, the Health Protection and Promotion Act and Regulations, the Building Code Act and Regulations, the Fire Prevention and Protection Act and Regulations and any other applicable law; and

(2) the Kennel and its surrounding environs is so constructed, established, maintained and operated in a way that prevents escape by any Dog from the Kennel; and

(3) the Owner or operator of the Kennel registers the Kennel with the County before February 1\textsuperscript{st} of each year and pays the annual Kennel registration fee as set out in the User Fees & Service Charges By-Law; and

(4) the Owner or operator of the Kennel renews the Kennel registration annually before February 1\textsuperscript{st} of each year; and

(5) the Owner or operator of the Kennel ensures that any Dog identification tag, issued as part of the Kennel registration, is displayed on the Dog's collar, and that such collar is affixed to the Dog at all times while the Dog is off the Owners' Premises; and

(6) in the event that such a Dog identification tag issued as part of the Kennel registration is lost, damaged or destroyed, the Owner or operator of the Kennel obtains a replacement identification tag within forty eight (48) hours by paying the fee as set out in User Fees & Service Charges By-Law; and

(7) in the event the Kennel is registered on or after February 1\textsuperscript{st} of any given year, the Owner or operator of the Kennel pays a late registration surcharge at the time of Kennel registration as set out in the User Fees & Service Charges By-Law; and

(8) the Owner or operator of any Kennel complies with the standards for Kennels as set out in Schedule A.
3.1.2 Where an Owner or operator of a Kennel constructs or establishes a Kennel after the 30th day of June, at the time of registration the Owner or operator is not required to pay the late Kennel registration surcharge but shall pay the annual registration fee as set out in the User Fees & Service Charges By-Law.

3.1.3 In order to register a Kennel, the Owner or operator of the Kennel shall submit a completed Kennel License Form provided by the County and where the Kennel is a Breeding Kennel, shall include a registration number from a recognized Kennel Club.

3.1.4 Every owner applying for a Kennel License shall submit the following documentation at time of Kennel registration:

(1) in the case of a Breeding Kennel for pure-bred dogs, proof of active membership in the Canadian Kennel Club or any other Association incorporated under the Animal Pedigree (Canada);

(2) in the case of a Hobby Kennel for hunting dogs, proof of active membership in the Canadian Kennel Club for registered hunting Dogs; or proof of active membership in an Association for the purpose of hunting Dogs training or trailing; or a hunting Dog license for each dog issued by the Ministry of Natural Resources within the previous twelve (12) months;

(3) 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 separates the Kennel buildings, structure, Dog runs and facilities from all property lines and all buildings, including any residential buildings situated on the adjacent properties;

(4) a list of all Dogs to be kept at the subject property, including both purebreds and non-purebreds, and verification of current rabies vaccination for each Dog;

(5) 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; and

(6) verification that the site plan and type of Kennel facility meets the applicable zoning requirements.

3.1.5 No Owner or operator of a Breeding Kennel shall permit more than ten (10) Dogs, excluding offspring under ten (10) weeks of age, to be kept at the Breeding Kennel.

3.1.6 No Owner or operator of a Commercial Kennel shall permit more than fifty (50) Dogs to be kept at a Commercial Kennel;
3.1.7 No Owner or operator of a Hobby Kennel shall permit more than ten (10) Dogs, excluding offspring under ten (10) weeks of age, to be kept at the Hobby Kennel.

3.1.8 Notwithstanding articles 3.1.5, 3.1.6 an 3.1.7 of this By-Law, any Person who lawfully owns or operates a Kennel with more than the permitted Dogs on the date of the passing of this By-Law shall have six (6) months from the date this By-Law comes into force to register same with the County and describe in detail the Dogs and shall be permitted to keep such number of Dogs, but not replace any Dogs that die or are permanently removed from the Kennel until such time as the number of Dogs are reduced to the maximum number of Dogs permitted.

3.1.9 Every Owner or operator of a Kennel shall, upon request by an Officer, permit the Officer to inspect at any reasonable time the Premises for the purpose of determining compliance with this By-Law.

3.1.10 Any Kennel registration may be refused or suspended pending compliance, or revoked for non-compliance by an Officer if, in the Officer's opinion, the Kennel does not comply with the provisions of this By-Law.

3.1.11 No Person shall provide the County with any false information in respect of the registration, or renewal of a registration of a Kennel.

3.1.12 A Kennel registration fee paid pursuant to this By-Law is non-refundable and non-transferable in whole or in part.

SECTION 4 DOGS

4.1 REGISTRATION

4.1.1 Every Owner of a Dog shall:

(1) register the Dog with the County by completing a Dog Tag License Form provided by the County and pay the applicable registration fee as set out in the User Fees & Service Charges By-Law; and

(2) in order to qualify for any discounted registration fee set out in the User Fees & Service Charges By-Law the Owner shall at time of registration, provide proof of sterilization; and

(3) where a Dog is three (3) months of age or older, the Owner shall at time of registration, provide proof of current immunization against rabies or, provide in writing from a licensed veterinarian an exemption from rabies vaccination; and

(4) renew the registration annually before February 1st of each year; and
(5) ensure that the Dog identification tag, issued as part of the registration, is displayed on the Dog's collar, and that this collar is affixed to the Dog while the Dog is off of the Owner's Premises; and

(6) obtain a replacement identification tag within forty eight (48) hours by paying the fee as set out in the User Fees & Service Charges By-Law in the event that such tag is lost; and

(7) pay any additional applicable fee as set out in the User Fees & Service Charges By-Law where the Dog is registered on or after February 1st.

4.1.2 Where an Owner acquires a Dog or moves into the County after the 30th day of June and before February 1st of the following year, the Owner shall pay a fixed amount equal to one-half of the annual registration fee as set out in the User Fees & Service Charges By-Law at the time of registration.

4.1.3 The Owner of a Dog shall notify the County within fourteen (14) days of the termination or death of a Dog registered with the County or of any change to the information provided.

4.1.4 The County shall provide the Owner with an identification tag for each Dog registered in accordance with this By-Law.

4.1.5 No Person shall use an identification tag for any Dog other than the Dog for which such identification tag was issued.

4.1.6 No Person shall provide the County with any false information in respect of the registration, or renewal of a registration of a Dog.

4.1.7 Notwithstanding article 4.1.1 and 4.1.2, where the Officer is satisfied that a Person who is handicapped is the Owner of a Service Dog and used to assist such handicapped Person, there shall be no fee payable by the Owner for a license under this section.

4.1.8 Notwithstanding article 4.1.1 and 4.1.2, where the Dog is a police working Dog, there shall be no fee payable by the Owner for a license under this section.

4.1.9 A Dog registration fee paid pursuant to this By-Law is non-refundable and non-transferable in whole or in part.

4.2 LEASHING AND AT LARGE

4.2.1 No Owner of a Dog shall permit a Dog to be At Large in the County except in a designated Off Leash Area.

4.2.2 No Individual shall permit a Dog to enter upon the private property of another Person or to remain on the private property of another Person without that property Owner's prior consent.
4.2.3 No Individual shall permit a Dog to enter upon or remain in an area where Dogs are prohibited by posted Official Signs.

4.2.4 No Owner of a Dog shall use a Leash or other restraining device that exceeds two (2) metres in length, but in no case shall an Owner use a Leash of a length that does not enable proper control of the Dog.

4.2.5 The Owner of a Dog shall control a Dog by means of a Leash that is held or affixed to the Individual.

4.2.6 For the purposes of article 4.2.5, a Dog shall not be deemed to be controlled by a Leash if the Leash is attached to an immovable object, a Motor Vehicle or a bicycle.

4.2.7 No Person shall permit a Dog to be left unattended while Tethered or tied on Premises where the public has access.

4.2.8 No Person shall use a collar on a Dog that restricts, or may restrict, the Dog's ability to breathe or swallow or that causes or may cause the Dog discomfort.

4.2.9 Articles 4.2.1 to 4.2.5 inclusively and 4.2.7 shall not apply to:

(1) police working Dogs while they are in the course of fulfilling their duties; and

(2) hunting Dogs that are under the direct supervision of an Individual who is a bona fide hunter actively engaged in hunting in accordance with applicable law to whom has been issued such necessary licenses and permits as may be required by such applicable law; and provided that such Individual has obtained the prior consent of the registered Owner or tenant having the authority to grant permission to use the parcel of land on which the hunting Dogs are At Large, which consent is obtained prior to the date of the occasion on which the Dogs are At Large; and

(3) any events authorized by the County which allows for Dogs to be off-leash.

4.3 IMPOUNDMENT OF DOGS

4.3.1 Any Officer may seize any Dog that is found At Large in the County and may cause such Dog to be delivered to the Pound.

4.3.2 Any Individual may seize any Dog that is found At Large in the County and such Individual shall immediately contact ACS, cause such Dog to be delivered to the Pound or, if known, return the Dog to its Owner.
4.3.3 A Dog seized pursuant to articles 4.3.1 or 4.3.2 shall be considered impounded at the time and place when it comes under the control of an Officer or, in any other case, when delivered to the Pound.

4.3.4 Upon seizing or taking possession of any seized Dog, the Pound shall impound the Dog and make reasonable efforts to determine the identity of the Owner of the Dog and inform such Person that their Dog has been impounded.

4.3.5 The Pound shall Keep any Dog impounded pursuant to this By-Law for a redemption period of three (3) days. This redemption period shall be calculated by excluding:

(1) the day on which the Dog was impounded; and
(2) statutory holidays; and,
(3) days on which the Pound is closed.

4.3.6 During the redemption period, the Pound:

(1) may provide such veterinary care or other care for an injured or ill impounded Dog as may be necessary to sustain its life or relieve any distress; and
(2) shall be entitled to recover from the Owner of the Dog, the cost of any veterinary or other care provided while the Dog was impounded; and
(3) may euthanize an impounded Dog without delay if, in the opinion of the Pound Keeper or Officer, such action is warranted for humane reasons; and
(4) shall be entitled to recover from the Owner of the Dog any other fees, including Pound fees, for the redemption of the Dog.

4.3.7 During the redemption period, the Owner of a Dog impounded may obtain release of such Dog by first:

(1) paying the redemption fee and any veterinary expenses incurred in relation to the Dog while it was impounded, in accordance with article 4.3.6; and
(2) providing evidence that the Dog is registered in accordance with the requirements of this By-Law or, if the Dog is not registered, by registering the Dog with the County in accordance with articles 4.1.1 through 4.1.2 of this By-Law; and
(3) taking any other action in relation to the care or control of the Dog that the County or Pound may direct.
4.3.8 After the expiration of the redemption period, the Pound may:

(1) release the Dog to its Owner upon compliance with article 4.3.7 of this By-Law; or

(2) Keep, sell, euthanize or dispose of the Dog in accordance with the provisions of the *Animals for Research Act, R.S.O. 1990, c. A.22*, as amended.

4.3.9 Whenever an impounded Dog is released to its Owner, a record of such release shall be kept by the Pound and made available to the County upon request.

4.3.10 Where a Dog has been impounded and it has been alleged that the Dog has Bitten or Attacked a Person or Domestic Animal and proceedings have been commenced against the Owner of the Dog under the *Dog Owner's Liability Act, 1990, R.S.O. 1990, c.D.16* as amended, the Pound will hold the Dog until the matter has been finally disposed of and will release the Dog only in such manner and to such Person as will ensure that the decision, if any, with respect to such matters will be complied with. Where the final disposition results in a court order under the *Dog Owner's Liability Act, 1990, R.S.O. 1990, c.D.16* as amended, the Owner of the Dog shall pay any fees for the time for which the Dog has been impounded regardless of whether or not the Dog is released to the Owner.

4.3.11 An Owner of a Dog may give up ownership of the Dog by surrendering the Dog to the ACS.

4.3.12 By surrendering the Dog to ACS, the Owner is deemed to have relinquished all rights of ownership and possession of the Dog.

4.3.13 To surrender the Dog to ACS, the Owner shall complete a Volunteer Surrender Form and pay the appropriate fee as set out in the User Fees & Service Charges By-Law at the time of surrender.

4.3.14 A Dog that has been surrendered to the ACS becomes the property of the ACS and may be kept or disposed of as the ACS deems appropriate, including:

(1) placing the Dog for adoption; or

(2) euthanasia in the case where in the opinion of the ACS, the Dog is not suitable for adoption or should be euthanized for humane reasons.

4.4 DANGEROUS DOGS

4.4.1 Where an Officer becomes aware that a Dog has bitten or Attacked an Individual or Animal Without Provocation, the Officer may, by written order delivered personally to the Owner of the Dog or sent by registered mail to the last known address of the Owner of the Dog, requiring the Owner to comply with any or all of
the requirements set out in this subsection within the time period stipulated in
said order, and the Dog shall thereafter be deemed to be a Dangerous Dog and
the Owner shall comply with such order.

4.4.2 Every Person who owns or Keeps a Dangerous Dog shall Keep the Dangerous
Dog restrained in accordance with the provision of this By-Law.

4.4.3 Every Owner of a Dangerous Dog shall at all times while the Dangerous Dog is
not in the Owner's Dwelling Unit, but is otherwise within the boundaries of the
Owner's Premises, ensure that:

(1) the Dog wears a Muzzle in accordance with article 4.5.3; and

(2) the Dog is securely Tethered in accordance with subsection 2.2 of this By-
Law; or

(3) the Dog is contained within an area securely enclosed by a locked fence
of an appropriate height for the breed of Dog, or an area enclosed by
other means such that the Dog cannot come into contact with members of
the public or other Animals; or escape from such enclosure; and

(4) a sign, no smaller than 5" x 7" (12.7 cm x 17.8 cm), is displayed at all
entrances to the property upon which the Dog is kept, bearing words and
a symbol that warn that a Dangerous Dog resides on the property.

4.4.4 Every Owner of a Dangerous Dog shall, at all times while the Dog is not within
the Owner's Premises, Keep the Dog:

(1) under the control of an Individual who is eighteen (18) years of age or
older; and

(2) on a Leash that does not exceed two (2) metres in length; and,

(3) Muzzled in accordance with article 4.5.2.

4.4.5 Every Owner of a Dangerous Dog shall notify the County immediately if the
following should occur:

(1) any change in Ownership or residence of the Dangerous Dog and provide
the name, current address and telephone number of the new Owner; or

(2) the Dog is At Large, Attacks or Bites any Person or Animal; or,

(3) the Dog becomes deceased.

4.4.6 The Owner of a Dangerous Dog shall ensure that the Dog is spayed or neutered
and that the required license fee is paid for a Dog as set out in the User Fees &
Service Charges By-Law.
4.4.7 An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with subsection 4.4 of this By-Law.

4.4.8 No Person shall Keep a Dangerous Dog in the County if the Dangerous Dog has been found At Large in the County or not restrained when on the Premises of the Owner of the Dangerous Dog, or not restrained in accordance with written directives of an Officer.

4.4.9 Subsection 4.4 of this By-Law shall not apply to police working Dogs while they are carrying out their duties.

4.4.10 No Person shall permit a Dangerous Dog to be in an Off Leash Area.

4.5 DOG BITES AND MUZZLING OF DOGS

4.5.1 No Owner of a Dog shall willfully cause a Dog, allow or permit a Dog through neglect or failure to control to, Without Provocation, Bite, Attack or chase an Individual or another Animal, or to damage any property.

4.5.2 Every Owner of a Dog shall notify the Haldimand-Norfolk Health Unit immediately where a Dog Bites any Person.

4.5.3 No Owner shall Muzzle a Dog in any manner that restricts, or may restrict, the Dog's breathing, its ability to drink water or in any manner that causes the Dog pain, suffering or injury.

4.6 REMOVAL OF EXCREMENT

4.6.1 Every Owner of a Dog shall immediately remove any excrement left by a Dog on any public or private property and dispose of it in a proper waste receptacle.

4.6.2 Article 4.6.1 does not apply to:

(1) the handler of a Service Dog, where the handler is unable to remove the excrement left by such Dog due to a physical disability or impediment; or

(2) a police working Dog while carrying out its duties.

4.7 NUMBER OF DOGS RESTRICTED

4.7.1 No Person shall Keep on his or her Premises more than three (3) Dogs over ten (10) weeks of age except where:

(1) the Premises consists of lands zoned and used for agricultural purposes; or

(2) the Premises is licensed by the County as a Kennel; or
(3) the Premises is a Pet Shop; or

(4) the Premises is used as a Pound; or

(5) the Premises is an accredited Veterinary Facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3, as amended; or

(6) the Premises is a Recognized Animal Shelter; or

(7) the Person has registered and been granted an exemption.

4.7.2 Notwithstanding subsection 4.7.1 of the By-Law, any Person who owns more than the permitted number of Dogs on the date this By-Law comes into force shall be permitted to Keep those Dogs, and the exemption shall only be for the lives of those specific Dogs. No additional Dogs shall be acquired that would have the effect of maintaining a total number of Dogs in excess of the limits stated in subsection 4.7.1 of this By-Law.

4.8 DESIGNATED DOG PARKS

4.8.1 No Person shall use or enter a Dog Park except in accordance with the hours of operation as displayed on Official Signs located at the entrance to the park.

4.8.2 No Owner shall leave their Dog unattended in a Dog Park

4.8.3 No Owner shall have more than two (2) Dogs under his or her care and control in a Dog Park at any one time.

4.8.4 No child under the age of six (6) years of age is permitted in the Dog Park.

4.8.5 No child between the age of six (6) and twelve (12) years of age is permitted in the Dog Park unless supervised by an adult at least eighteen (18) years of age and physically capable of controlling the Dog.

4.8.6 No Owner shall permit a Dog under his or her care and control to use a Dog Park where:

(1) the Dog constitutes a danger to another Person or Dog;

(2) the Dog barks excessively;

(3) the Dog is likely to frighten or threaten another Person or Dog;

(4) the Dog displays or has displayed aggressive behaviour;
(5) the Owner has been advised by an Officer or Police that the Dog is prohibited from using the Dog Park;

(6) the Owner has been convicted of an offence related to the conduct of the Dog under any Federal or provincial legislation or County by-law;

(7) the Dog is a Dangerous Dog; or

(8) the Dog is less than three (3) months of age.

4.8.7 Every Owner of a Dog shall before permitting a Dog to enter a Dog Park ensure that the Dog:

(1) has a valid dog tag and is affixed on the Dog's collar and that the collar is affixed to the Dog while the Dog is in the Dog Park;

(2) is controlled by means of a Leash that is held or affixed by the Owner;

(3) is not sick or aggressive, or if female, the Dog is not in heat.

4.8.8 Every Owner permitting a Dog to enter a Dog Park shall:

(1) carry with him or her a Leash for each Dog under his or her care;

(2) immediately remove the Dog at the direction of an Officer or Police;

(3) ensure that the Dog does not leave the Dog Park while off-leash;

(4) ensure that the Dog is under voice control and within visual sight at all times;

(5) immediately remove any excrement left by the Dog and place in a proper waste receptacle.

4.8.9 Every Person shall obey any other rule or regulation as displayed on an Official Sign at the entrance to the Dog Park.

4.8.10 No professional Dog trainer shall use the Dog Park for professional purposes.

4.8.11 No person shall permit any Animal other than a Dog of which he or she is the Owner to be at large in a Dog Park.

4.8.12 Every Person who uses or enters a Dog Park does so at their own risk.
SECTION 5  CATS

5.1  NUMBER OF CATS RESTRICTED

5.1.1 No Person shall Keep, on his or her Premises, more than five (5) Cats that are spayed and neutered and no intact Cats, except where:

(1) the Premises consists of lands zoned and used for agricultural purposes; or

(2) the Premises is a Pet Shop; or

(3) the Premises is a Pound; or

(4) the Premises is an accredited Veterinary Facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3. as amended; or

(5) the Premises is a Recognized Animal Shelter; or

(6) the Person has registered and been granted an exemption.

5.1.2 Notwithstanding subsection 5.1.1 of the By-Law, any Person who owns more than the permitted number of Cats on the date this By-Law comes into force shall be permitted to Keep those Cats, and the exemption shall only be for the lives of those specific Cats. No additional Cats shall be acquired that would have the effect of maintaining a total number of Cats in excess of the limits stated in subsection 5.1.1 of this By-Law.

SECTION 6  GENERAL PROVISION

6.1  ANIMALS IN A VEHICLE

6.1.1 For the purpose of this section, "roadway" means any street, highway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

6.1.2 No Person shall cause an Animal to be confined in an enclosed space, including a Motor Vehicle, without adequate ventilation.

6.1.3 No Person shall leave an Animal unattended in a Motor Vehicle if the weather conditions are not suitable for containment of an Animal.

6.1.4 No Person shall allow an Animal to be outside the passenger cab of a truck or Motor Vehicle while on a roadway, regardless of whether the truck or Motor Vehicle is moving or parked unless the Animal is:

(1) in a fully enclosed trailer; or
(2) in a fully enclosed bed of a truck or Motor Vehicle, the dimensions of which permit the Animal to fully stand up, sit down, turn around and lay down; or

(3) contained in a ventilated cage, crate or similar device manufactured for the confinement or transport of an Animal and which is securely fastened to the bed of a truck or Motor Vehicle; or

(4) securely Tethered using a suitable body harness and in such a manner that the Animal is not standing on bare metal or plastic, cannot jump, slide or be thrown from the truck or Motor Vehicle, is not in danger of strangulation, and cannot reach beyond the outside edge of the side or back of the truck or Motor Vehicle.

6.1.5 No Person shall Keep an Animal in any Motor Vehicle, part of a Motor Vehicle or trailer attached to a Motor Vehicle where doing so causes, or may cause, the Animal illness, pain, injury or suffering or to become subject to undue or unnecessary hardship, privation or neglect.

6.1.6 An Officer may use any reasonable means as are necessary to remove an Animal in need of assistance from any Motor Vehicle, trailer or any enclosed space.

6.1.7 The Owner of a Motor Vehicle involved in an offence referred to in this subsection is guilty of the offence, unless that vehicle Owner satisfies the court that the vehicle was:

(1) not being driven or parked by the Owner; and

(2) that the Individual driving or parking the vehicle at the time of the offence did so without the vehicle Owner’s express or implied consent.

6.2 INJURED ANIMALS

6.2.1 An Individual who comes into the possession of a Animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case longer than twenty four (24) hours after coming into possession of the Animal;

(1) if owned, release or return the Animal back to the Owner; or

(2) surrender the Animal to the care of the ACS; or

(3) surrender the Animal to a Recognized Animal Shelter.
6.3  TORMENTING ANIMALS

6.3.1 No Person shall torment, assault, batter, annoy, tease or willfully or recklessly kill or cause injury, pain or suffering to an Animal.

6.3.2 Article 6.3.1 of this By-Law shall not be interpreted so as to prohibit:

(1) a Person who is a bona fide farmer engaged in a Normal Farm Practice pursuant to the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended and other applicable law; or

(2) an Individual who is a bona fide hunter actively engaged in lawful hunting and to whom has been issued such necessary licenses and permits as may be required in order to engage in hunting activity.

6.4  TRAPPING ANIMALS

6.4.1 No Person shall trap any Animal unless:

(1) the Animal is causing a nuisance to, or damaging, that Person's property; or

(2) the Animal is in need of medical treatment or euthanasia as a result of serious injury or illness; and

(3) the Animal is trapped in a live trap; and

(4) the Animal is trapped in a humane manner; and

(5) the Animal is not kept in a trap for more than twelve (12) hours;

(6) the Animal once trapped, is sheltered from the elements; and

(7) the Animal is trapped on the Premises of the Person who has set the trap.

6.4.2 No Person shall set out any trap that causes or may cause injury, pain or suffering to an Animal including, without limiting the generality thereof, traps known as conibear traps, killer traps, leg-hold traps or snares.

6.4.3 Any Person who traps a Domestic Animal, in addition to the provisions of article 6.4.1 and 6.4.2 of this By-Law, shall only release the Animal to:

(1) the rightful Owner of the Animal; or

(2) an Officer; or

(3) the Pound; or
(4) A Recognized Animal Shelter.

6.4.4 Articles 6.4.1 and 6.4.2 do not apply to the trapping of an Animal where the Animal is trapped by a Person who is licensed with the Ministry of Natural Resources or is otherwise authorized by law to trap the Animal, and the trapping is conducted in accordance with applicable legislation.

6.5 RABIES AND COMMUNICABLE DISEASES

6.5.1 Every Owner of a Dog or Cat three (3) months of age or over shall ensure that the Dog or Cat is duly immunized against rabies and that the immunization is current and continuously repeated at such intervals as may be required to be current and effective.

6.5.2 An Owner of an Animal suspected of having rabies shall immediately report the matter to the Haldimand-Norfolk Health Unit;

6.5.3 An Owner of an Animal within the County, which is suspected of having been exposed to rabies, or which has Bitten, scratched or had other contact which may result in rabies in a Person, shall on demand, surrender such Animal to the ACS to be held by the Pound in quarantine, without cost to the Owner, for ten (10) days, and such Animal shall not be released from such quarantine without permission from the Medical Officer of Health;

6.5.4 Notwithstanding article 6.5.3, at the discretion of the Medical Officer of Health, an Animal may be held in quarantine on the Premises of the Owner, or at the Owner’s expense in a Veterinary Facility of the Owner’s choice.

6.5.5 Article 6.5.1, 6.5.3 and 6.5.4 shall be enforced by the Medical Officer of Health pursuant to the provisions of the Health Protection and Promotion Act, R.S.O. 1990, c. H. 7, as amended.

6.6 LIVESTOCK

6.6.1 No Person shall Keep Livestock in any area of the County unless such area is zoned for that purpose by the applicable Zoning By-Law, as amended, and any successor thereto, or is lawfully used for that purpose.

6.6.2 No Owner of Livestock shall permit any Livestock to be At Large in the County.

6.6.3 Any Person may seize any Livestock that is found to be At Large in the County and shall immediately cause such Livestock to be delivered to the Pound or if known, returned to the Owner:

6.6.4 An Officer may seize any Livestock that is found to be At Large in the County and may cause such Livestock to be delivered to the Pound.
6.6.5 Any Livestock seized pursuant to articles 6.6.3 and 6.6.4 of this By-Law shall be considered impounded at the time and place when it comes under the control of an Officer or in any other case, when delivered to the Pound.

6.6.6 The Pound may seize and impound any Livestock found to be At Large in the County and shall make reasonable efforts to determine the identity of the Owner of the Livestock and to inform the Owner that the Livestock has been impounded in accordance with the *Pounds Act, R.S.O. 1990, c P. 17*, as amended.

6.6.7 The Pound:

1. may provide such veterinary or other care for any injured or ill impounded Livestock as may be necessary to sustain its life or relieve any distress; and
2. shall be entitled to recover from the Owner of the Livestock, the cost of any veterinary or other care provided while the Livestock is impounded; and
3. shall be entitled to recover from the Owner of the Livestock, any Pound fees for the redemption of the Livestock.

6.6.8 The Pound may euthanize any impounded Livestock without delay if, in the opinion of the Officer such action is warranted for humane reasons.

6.6.9 The Owner of any Livestock impounded may obtain release of such Livestock by first:

1. paying the costs and fees provided for in articles 6.6.7 and 6.6.11 of this By-Law; and
2. taking any other action in relation to the care or control of the Livestock that the County or Pound may direct.

6.6.10 The Pound may, in accordance with the *Pounds Act, R.S.O. 1990, c P.17*, as amended:

1. release the Livestock to its Owner upon compliance with articles 6.6.9 and 6.6.11 of this By-Law; or
2. Keep, sell or dispose of the Livestock.

6.6.11 The Owner of any Livestock found to be At Large shall be liable for all damages caused by such Livestock and for the expenses incurred by the County or ACS in seizing and/or impounding the Livestock.

6.6.12 Whenever any impounded Livestock is released to its Owner, a record of such release shall be kept by the Pound.
6.6.13 Article 6.6.1 shall not apply to:

(1) Premises owned or operated by the University of Guelph or any other educational institution containing Livestock; or

(2) Premises used by the County; or

(3) Premises of an accredited Veterinary Facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3. as amended; or

(4) any Premises lawfully used for a traveling show, Petting Zoo, or other like shows; or

(5) any area lawfully used as a zoo.

6.7 WILD ANIMALS

6.7.1 No Person shall remove any Wild Animal from any public land in the County unless authorized to do so by the County and provided that the removal is done in a humane manner.

6.7.2 No Person shall Keep, or cause to be kept, any Wild Animal in the County unless they are authorized to do so by law.

6.7.3 Despite article 6.7.2, a Person who comes into the possession of a Wild Animal that is injured or unable to fend for itself shall, as soon as is reasonable, but in no case longer than twenty four (24) hours after coming into possession of the Wild Animal shall:

(1) release the Wild Animal within one (1) kilometer of where it was found; or

(2) surrender the Wild Animal to the care of the Pound; or

(3) surrender the Wild Animal to a Person or facility licensed by the Ministry of Natural Resources to care for Wild Animals.

6.8 PROHIBITED ANIMALS

6.8.1 No Person shall Keep, harbour or possess in the County, either on a temporary or permanent basis, any Prohibited Animal, as set out in Schedule B of this By-Law.

6.8.2 Notwithstanding article 6.8.1, on lands zoned and used for agricultural purposes, no Person shall Keep, or cause to be kept, any Prohibited Animals, except for a horse, zebra, donkey, pony, mule, cow or steer, goat, swine, mink, fox, sheep,
chinchilla, chicken, turkey, peafowl, emu, grouse, pheasant, duck, goose, swan, guinea hen and any other Domestic Animal.

6.8.3 No Person who operates a business within the County that includes the sale of Pets or other Animals shall sell, offer to sell, or otherwise make available in any way to any Person any Prohibited Animal listed in Schedule B except those Animals set out in article 6.8.2.

6.8.4 Notwithstanding any of the provisions of this By-Law, Pet Shops shall have six (6) months from the date this By-Law comes into force to dispose of all Prohibited Animals, the Keeping of which is prohibited by this By-Law, and shall not Keep any such Prohibited Animals for sale or for display purposes after such date.

6.8.5 Notwithstanding the provisions of this By-Law, a Person who is Keeping a Prohibited Animal on the date this By-Law comes into force, and is not operating a Pet Shop shall be permitted to Keep such Animal provided that:

(1) the Animal is kept in an environment which is appropriate for the species; and

(2) the owner has advised the County in writing of the species of Animal and his or her name, address and phone number within ninety (90) days of the date that the By-Law comes into force; and

(3) The exemption provided for in this article 6.8.5 is only for the life of the specific Prohibited Animal.

6.8.6 The County shall maintain a list of all Prohibited Animals for which written notice has been received in accordance with article 6.8.5.

6.8.7 Article 6.8.1 shall not apply to:

(1) Premises used by the County; or

(2) Premises of an accredited Veterinary Facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, c. V.3. as amended; or

(3) Premises lawfully used for a Zoo or other like shows; or

(4) Premises in the County in which educational programs are being conducted with Animals, provided that the Animals are owned by institutions accredited by CAZA or the American Zoo and Aquarium Association, and only while the educational programs are actually conducted, provided that such programs are limited to three (3) days at any one location; or
(5) Premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990.c.A.22; or

(6) Premises where wildlife rehabilitation is being undertaken in accordance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chapter 41, as amended and associated regulations under the jurisdiction of the Ontario Ministry of Natural Resources.

6.8.8 Notwithstanding any of the provisions of this By-Law, no person shall Keep any Animal, the keeping of which is not permitted under any statute of Ontario or Canada.

SECTION 7 ADMINISTRATION AND ENFORCEMENT

7.1 APPLICATION AND ENFORCEMENT

7.1.1 This By-Law shall apply to any and all property, Animals, Persons and Individuals within the geographic limits of Norfolk County.

7.1.2 Unless otherwise provided for herein, all provisions of this By-Law may be enforced by an Officer.

7.1.3 An Officer may issue an order or direction requiring that a Person comply with the provisions of this By-Law.

7.1.4 An Officer may issue a Muzzle Order to any Owner of a Dangerous Dog, containing such particulars as the Officer deems necessary concerning compliance with this By-Law or deemed necessary by the Officer for the safety of the public; any order may be served by delivering it personally to the owner of the Dog or by registered mail to the last known address of the Owner of the Dog.

7.1.5 An Owner of a Dog may apply for and is entitled to a hearing before the Committee in respect of an order, provided the application for a hearing is made in writing and delivered to the Clerk within fourteen (14) days after the order has been served.

7.1.6 An order takes effect when it is served on the Person to whom it is directed, and remains fully in effect unless it has been varied by the Committee. An application by the Owner of a Dog for a hearing under this By-Law does not act as a stay of any requirement imposed by an order.

7.1.7 The Committee may:

(1) confirm, vary, or reverse the declaration in an order as the case may be; or

(2) confirm or vary any of the requirements of an order as the Committee considers appropriate; or
(3) exempt the Owner of the Dog in whole or in part from any of the requirements of an order, subject to such terms and conditions as the Committee considers appropriate; or

(4) impose conditions which, if fulfilled to the satisfaction of the Committee, will permit the Committee in its sole discretion to vary or exempt the Owner from some or all of the terms or restrictions in an order; or

(5) combine any confirmation, variance, condition, or exemption of any of the requirements in an order as the Committee considers appropriate.

7.1.8 Any notice or document that has been served pursuant to the provisions of this By-Law by prepaid registered mail shall be deemed to have been received by the Person to whom it is addressed on the fifth (5th) day after the day it is mailed.

7.1.9 An Officer may enter upon any Premises at any reasonable time for the purposes of carrying out an inspection for the purposes of determining whether or not:

(1) the provisions of this By-Law are being complied with; or

(2) an order under this By-Law is being or has been complied with.

7.1.10 Every Owner of any Premises shall permit an Officer to enter such Premises for the purpose of article 7.1.12.

7.1.11 No Person shall hinder or obstruct any Officer or any Individual lawfully acting in aid of such Officer, in the execution of their duties under this By-Law.

7.1.12 No Person shall refuse to produce any documents or things required by an Officer in the exercise of a power or performance of a duty under this By-Law.

7.1.13 No Person shall knowingly furnish false information to an Officer.

7.2 OFFENCES AND PENALTIES

7.2.1 Any person who contravenes any provisions of this By-Law is guilty of an offence.

7.2.2 Every Person who is convicted of an offence under this By-Law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended.

7.2.2 When a Person has been convicted of an offence under this By-Law:

(1) the Ontario Court of Justice, or
(2) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the Person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

7.3 VALIDITY

7.3.1 Should a court of competent jurisdiction declare a part or the whole of any provision of this By-Law to be invalid or of no force and effect, the provision or part is deemed severable from this By-Law, and it is the intention of Council that the remainder of this By-Law survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to provide a minimum standard for the care and control of Animals and for the safety and security of Individuals and property.

7.3.2 Where a provision of this By-Law conflicts with the provision of another By-Law, any legislation, or other regulation in force within the County, the provision that establishes the higher standards for the care and control of Animals and the safety and security of Individuals and /or property shall prevail.

7.3.3 Nothing in this By-Law relieves a Person from complying with any provision of any federal or provincial law or regulation, other By-Law or any requirement of any lawful permit, order or license.

7.3.4 Where this By-Law refers to another act, By-Law, regulation or agency, it includes reference to any act, by-law, regulation or agency that may be substituted therefore.

7.4 FEES

7.4.1 Any fee required by or described in this By-Law shall be as set out in the User Fees & Service Charges By-Law, as amended.

7.5 TRANSITION RULES

7.5.1 After the date of the passing of this By-Law, those By-Laws identified under subsection 7.6 shall apply only in those instances in which an order has been issued prior to the date of the passing of this By-Law, and then only in such instances until such time as the actions required by such order have been completed or any enforcement proceedings with respect to such order have been concluded.

7.5.2 An existing license issued under By-Law 2005-267 being a By-Law to "Regulate Dogs Running At Large and to Provide for the Licensing Thereof", remains valid until the term of such license expires.
7.6 BY-LAWS REPEALED

7.6.1 The following By-Laws of The Corporation of Norfolk County and any amendments made thereto are hereby repealed.

Norfolk County By-Law 2001-54
Norfolk County By-Law 2005-267
Township of Delhi By-Law 07-96
Township of Norfolk By-Law 327-78
Town of Simcoe By-Law 97-38

7.7 ENACTMENT

7.7.1 That the effective date of this By-Law shall be the date of final passage thereof.

Read a first and second time this 8th day of April, 2014.

Read a third time and finally passed this 8th day of April, 2014.

[Signatures]

Mayor

Clerk/Manager of Council Services
All Kennels operating within the County shall maintain Dogs in a clean, secure, and humane manner and every Owner and operator of a Kennel shall ensure that the Kennel complies with the following standards:

1. Dog cages, pens, Dog houses and other structures shall be so constructed as to be easily cleaned. All Dogs shall be provided with food and water and treated in a humane manner.

2. Floors shall be:
   a) Soundly constructed of hard, durable material;
   b) Constructed of a material that may be readily sanitized; and
   c) Maintained in a good state of repair free from cracks, holes and other damage.

3. Where there are floor drains:
   a) A floor drain and any trench installed in connection therewith that is used for waste disposal shall be flushed at such intervals as may be necessary to prevent any accumulation of waste that might impair the health or welfare of any Dog in the room;
   b) The floor shall be so constructed and maintained in order that surface liquids thereon will drain into the drain; and
   c) The operator of the Kennel shall cause the drains to be examined as often as is necessary to ensure that they are functioning properly, have an adequate water seal and are not harbouring vermin.

4. Walls shall be:
   a) Soundly constructed of hard, durable material;
   b) Impervious to water to a height adequate for sanitary maintenance;
   c) Constructed of a material that may be readily sanitized; and
   d) Maintained in a good state of repair free from cracks, holes and other damage.

5. Where there is a door:
   a) Every frame or moulding around the door opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin; and
   b) The door shall be maintained in a good state of repair free from cracks, holes and other damage.

6. Where there is a window:
   a) Every frame or moulding around the window opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin;
b) Means shall be provided to prevent the effect of direct sunlight through the window;
c) The window shall be so constructed and maintained as to prevent the entrance of vermin through the window; and
d) The window shall be maintained in a good state of repair free from cracks, holes and other damage.

7. Roofs and ceilings shall be;
   a) Soundly constructed; and
   b) Maintained in a good state of repair free from cracks, holes and other damage.

8. Where any pipe, drain, conduit or other service facility is installed through any floor, wall, or ceiling, the place where the pipe, drain, conduit or other service facility enters or leaves the room shall be so sealed as to prevent the entrance of vermin into the room.

9. Alleyways and service aisles between cages or pens shall be of sufficient width to permit the safe and efficient movement of Individuals and equipment and shall not be used for storage or accumulation of materials or equipment of any kind.

10. Every room in a Kennel shall be maintained in a clean condition.

11. The operator of every Kennel shall take all reasonable steps to prevent the spread of and to destroy vermin and invertebrates that maybe be harmful to the health, comfort or welfare of any Dog in the Kennel.

12. Every room that is used for the housing of Dogs within a Kennel shall be equipped with a lighting system that is so designed, constructed and maintained in order that:
   a) It distributes light as evenly and with as little glare as possible; and
   b) It provides adequate light for the proper observation of every Dog in the room.

13. Every room that is used for the housing of Dogs within a Kennel shall be adequately lighted for a continuous period of at least eight (8) hours in every twenty-four (24) hour period.

14. Every room that is used for the housing of Dogs within a Kennel shall at all times be adequately ventilated for the health, welfare and comfort of every Dog therein.

15. Every room that is used for the housing of Dogs within a kennel shall at all times be adequately maintained at a temperature suitable for the health, welfare and comfort of every Dog therein.

16. The operator of a Kennel shall ensure that there are, in every day, on the Premises on which the Kennel is located, an adequate number of Individuals competent in the care of Dogs to properly care for every Dog in the Kennel.
17. Every cage or pen used in a Kennel for the housing of Dogs shall be so constructed and maintained that:

a) Every Dog in the cage or pen may comfortably:
   i. Extend its legs to their full extent,
   ii. Stand,
   iii. Sit,
   iv. Turn around, and
   v. Lie down in a fully extended position;

b) Is not likely to harm any Dog therein;

c) Any Dog therein cannot readily escape;

d) It minimizes as nearly as practicable the transfer of pathogenic agents; and

e) It may be readily sanitized.

18. Where a group of Dogs in a Kennel is housed in a communal cage, pen or Dog run, no individual Dog shall be placed in the cage, pen or Dog run with the group of Dogs where the placing of the individual Dog would result in harm to any of the Dogs and, where the behaviour of the Dogs in the cage, pen or Dog run is such that harm is likely to result. Any Dog whose removal will prevent the harm from occurring shall be removed immediately.

19. All pens or cages in every Kennel shall be maintained such that:
   a) Bedding material in every cage or pen shall be changed as often as is necessary to keep it dry, clean and free of noxious fumes;
   b) Every Dog that is housed in a cage or pen shall be removed from its cage or pen and changed to a freshly sanitized cage or pen as often as is necessary for its health and comfort;
   c) No Dog shall be placed in a cage or pen that is vacant unless the cage or pen and equipment used in connection therewith have first been sanitized;
   d) Where a cage is cleaned or sanitized, the cage rack or portion thereof used in connection with the cage shall be cleaned or sanitized at the same time;
   e) Every Dog shall be protected against liquid spray while a cage or pen is being cleaned;
   f) Every device used to supply drinking water to a Dog shall be maintained in a sanitary condition and shall be so constructed and maintained as to ensure:
      i. That the Dog is receiving potable water; and
      ii. The device is functioning properly;
   g) Every container for food or water shall be maintained in a sanitary condition.

20. The operator of every Kennel shall take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in or on any Dog and to prevent distress to the Dog.

21. Every pen used for the housing of Dogs in any Kennel shall be so constructed and maintained as to provide a clean, dry and safe surface adequate to permit the Dogs to lie down in comfort at all times.
22. An outdoor Dog run in a Kennel may be used to provide Dogs in the Kennel with exercise subject to the following conditions:
   a) No Dog shall be removed from indoor housing and placed in the outdoor Dog run or removed from the outdoor Dog run and placed in the indoor housing where to do so would result in the change in environment likely to cause harm to the Dog;
   b) The surface on which the Dog run is established shall be so maintained as to rapidly drain all excess surface water;
   c) The Dog run shall be so fenced as to prevent any Dog from escaping;
   d) The Dog run shall be kept in a clean condition free from any materials or equipment likely to cause harm to a Dog;
   e) Every Dog in the Dog run shall have access to individual Shelters that are:
      i. Readily accessible to the Dog;
      ii. Large enough to comfortably accommodate the Dog;
      iii. Constructed and maintained so as to provide protection from the effects of direct sunlight, precipitation and wind; and,
      iv. Dry and well drained.

23. All surfaces of yards and runways shall be covered in concrete or other nonporous materials or any other equivalent material.

24. All doorways and windows and outside openings shall be screened during the period of May 1st to September 31st of each year; and provide an effective barrier against the escape of any Dog.

25. All Kennels must at all times be maintained in a clean, sanitary condition.

26. Excretions, dead Animals and other waste resulting from the operation of a Kennel shall be removed and disposed of daily from the Premises in a sanitary manner.

27. Subject to the Dead Animal Disposal Act, R.S.O. 1990, c. D.3, as amended, in any Kennel, the carcass of an Animal shall be:
   a) removed immediately from the cage or pen; and
   b) except for the whole or a part of the carcass that is retained in a sanitary manner for research, disposed of immediately.

28. Where the carcass of an Animal is disposed of and the dead Animal is not a dead Dog as defined in the Dead Animal Disposal Act, R.S.O 1990, c. D.3, as amended, the carcass shall be disposed of by:
   a) Burying it with a covering of at least two (2) feet of earth;
   b) Incineration; or
   c) Delivery to a rendering plant that is:
      i. Licensed under the Dead Animal Disposal Act, R.S.O. 1990, c. D.3; or
      ii. Approved under the Meat Inspection Act (Canada) in a vehicle constructed and equipped in accordance with the Dead Animal Disposal Act.
29. A whelping facility or area shall be separate from any individual or group Kennel enclosures housing other Kennel Dogs, thereby providing the whelping Dog with privacy.

30. Wire floors shall not be permitted in any Kennel housing Dogs. If wire floors must be used, a solid floored sleeping area must be provided and every Dog or pup must be given an opportunity to exercise on a larger solid floored area at least three (3) times daily.
SCHEDULE B
TO BY-LAW NO. 2014-46

"PROHIBITED ANIMALS"

a) all marsupials (such as kangaroos and opossum);
b) all non-human primates (such as gorillas and monkeys);
c) all felids (such as lions and tigers), except for domestic Cats;
d) all canids (such as wolves and hybrids), except for domestic Dogs;
e) all viverrids (such as mongooses, civets and genets);
f) all mustelids (such as skunks, weasels, otters and badgers), except a domestic ferret);
g) all ursids (bears)
h) all artiodactylus ungulates (such as domestic goats, sheep, pigs and cattle);
i) all procyonids (such as raccoons, coatis and cacomistles);
j) all hyaenae;
k) all pinnipeds (such as seals, fur seals and walruses);
l) all snakes of the families pythonidae and boidae;
m) all venomous reptiles
n) all ratite birds (such as ostriches, emus, rheas, cassowaries)
o) all diurnal and nocturnal raptors (such as eagles, hawks and owls);
p) all edentates (such as anteaters, sloths and armadillos);
q) all bats;
r) all crocodilians (such as alligators and crocodiles)
s) all arachnids (such as tarantulas);
t) all Prohibited Dogs;
u) all galliformes (such as grouse, pheasants, turkeys);
v) all anseriformes (such as ducks, geese, swans);
w) all sciuridae (such as prairie dogs, giants squirrels and flying squirrels);
x) all perissodactylus ungulates (such as horses and zebra);
y) all elephants;
z) all other venomous or poisonous Animals
aa) Any Exotic Animal not specified above.