



THE CORPORATION OF THE TOWNSHIP OF NORWICH

BY-LAW NUMBER 06-2005

TO REGULATE DOGS RUNNING AT LARGE AND TO PROVIDE FOR THE LICENCING THEREOF

WHEREAS the Municipal Act, 2001 S.O. 2001, as amended, Chapter 25, Section 11(1) states that "A single-tier municipality may pass by-laws respecting matters within the following spheres of jurisdiction: ...9. Animals...";

AND WHEREAS the Municipal Act, 2001, S.O. 2001, as amended, Chapter 25, Section 11(2) states that "A lower-tier municipality and an upper-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction described in the Table to this section, subject to the following provisions: 1. If a sphere or part of a sphere of jurisdiction is not assigned to an upper-tier municipality by the Table, the upper-tier municipality does not have the power to pass by-laws under that sphere or part..."

AND WHEREAS the Municipal Act, 2001, S.O. 2001, as amended, Chapter 25, Section 9(3) states that "Without limiting the generality of subsections (1) and (2), a by-law under section 11 respecting a matter may,

- (a) regulate or prohibit respecting the matter; and
- (b) as part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licences, permits, approvals or registrations respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration.";

AND WHEREAS the Municipal Act, 2001, S.O. 2001, as amended, Chapter 25, Section 103(1) states that "If a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law;
- (b) the sale of impounded animals,
 - (i) if they are not claimed within a reasonable time,
 - (ii) if the expenses of the municipality respecting the impounding of the animals are not paid, or
 - (iii) at such time and in such manner as is provided in the by-law; and
- (c) the establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened.";

AND WHEREAS the Municipal Act, 2001, S.O. 2001, as amended, Chapter 25, Section 103(2) states that "If payment is not made in accordance with the procedures established under clause (1)(c), the fine is recoverable under the Provincial Offences Act.";

AND WHEREAS it is deemed expedient to regulate dogs running at large and to provide for the licensing thereof;

NOW THEREFORE the Council of the Corporation of the Township of Norwich hereby enacts as follows:

1. DEFINITIONS

For the purposes of this By-law:

- 1.1 CANINE CONTROL OFFICER means a person under contract with the Corporation for the purpose of providing Canine Control Services and Facilities for the impounding, caring and disposal of dogs and the issuing of licences.
- 1.2 CORPORATION means The Corporation of The Township of Norwich.
- 1.3 DOG means a male, female or neutered dog.
- 1.4 DOG LICENCING OFFICER means a person appointed by the Corporation to issue licences under the provisions of the by-law.
- 1.5 KENNEL means 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).
- 1.6 LICENCE FEE means a fee imposed upon the owner of a dog or kennel.
- 1.7 LOT means a parcel or tract of land which is held under separate ownership from adjacent lands according to the registration thereof in the Registry Office or Land Titles Office, with the exception of mobile home lots within a mobile home park; such mobile home lots shall be deemed a separate lot for the purposes of this by-law and individual units in an apartment building which shall be deemed a separate lot.
- 1.8 OWNER means any person who possesses, harbours 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.
- 1.9 POUND means the premises that are used for the detention, maintenance or disposal of dogs that have been impounded in accordance with the provisions of the by-law.
- 1.10 RUNNING AT LARGE means 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. BOUNDARIES

- 2.1 The provisions of this By-law shall apply to all lands within the geographic limits of The Corporation of The Township of Norwich.

3. LICENCING

- 3.1 All owners of dogs shall pay annually to the Corporation, the licence fee as set out in the schedule of fees as attached hereto as Schedule "A" of this by-law.
- 3.2 All owners of kennels shall pay annually to the Corporation, a licence fee as set out in the schedule of fees as attached hereto as Scheduled "A" of this by-law.
- 3.3 No person in the Corporation shall own, harbour or possess a dog unless that person has procured a licence to do so on or before the 1st day of May or the first business day following in each year, and every person so licenced shall be subjected to the provisions of this by-law.
 - 3.3.1 The owner of a dog shall within ten (10) days of becoming such owner cause the dog to be licenced and the burden of proof of establishing date of ownership shall be that of the owner.

- 3.3.2 No licence shall be issued for a kennel, until the owner of said kennel produces a Certificate of Registry with an association incorporated under the Animal Pedigree Act (Canada), and such kennel shall only be located within a permitted zone as identified in the Zoning By-law.
 - 3.3.3 Upon payment of the licence fee, the owner shall be furnished with a dog tag and the owner shall keep said tag securely affixed upon the dog at all times.
 - 3.3.4 Where the dog is identified by the owner as being spayed or neutered, a certificate in writing from a veterinary surgeon or an affidavit sworn by the owner shall be produced as proof by the owner at the time of purchase of the dog tag.
 - 3.3.5 Every dog licence issued is personal to the dog owner thereof and no licence is transferable.
- 3.4 Notwithstanding any other provisions in this by-law, the number of dogs on a lot shall be limited to not more than two (2), except:
- 3.4.1 Any person on the date of passage of this by-law who was lawfully keeping more than two (2) dogs on a lot, (and identified by a valid 2004 dog tag) may keep these dogs until they die or are otherwise disposed of.
 - 3.4.2 Any person whose land is designated as a kennel for the purposes of remuneration according to the zoning by-law.
 - 3.4.3 Any person operating a retail pet store.
 - 3.4.4 Any person who is a veterinarian who owns and operates an animal hospital.
 - 3.4.5 Any person who owns or operates a licensed dog pound.
 - 3.4.6 Any person that requires the assistance of a dog because of a physical or visual impairment.
 - 3.4.7 Approved foster care homes as designated by the local Humane Society.
 - 3.4.8 Young puppies, which may be kept with the mother for a period not exceeding sixty (60) days following birth.

4. REGULATIONS

- 4.1 No person shall cause or allow or permit a dog to run at large at anytime within the geographic limits of the Corporation.
- 4.2 The owner of a dog shall keep the dog leashed and under the control of a person physically capable of restraining the dog at all times.
- 4.3 Notwithstanding section 4.2, the owner of a dog is not required to keep the dog leashed when the dog is found on land where the prior consent is given by the person owning the land.
- 4.4 No person shall have a dog under control on a leash exceeding two (2) metres in length.
- 4.5 The owner of a dog shall remove or cause to be removed forthwith any excrement left by the dog on any land in the Corporation other than that of the owner.
- 4.6 A dog found running at large within the Corporation shall be seized and impounded by the Canine Control Officer.

5. PROCEDURES

- 5.1 The Canine Control Officer shall comply with the provisions of the Animals for Research Act, R.S.O. 1990, as amended, Chapter A.22 and regulations thereunder.
- 5.2 No dog shall be returned to the owner thereof by the Canine Control until the owner has paid such amount as may be required pursuant to the Animals for Research Act, R.S.O. 1990, as amended, Chapter A.22, together with any applicable pound fees.

5.3 No dog that has been impounded shall be returned to the owner thereof until the owner can produce satisfactory proof that the licence fee provided for under Schedule “A” of this by-law has been paid.

6. ADMINISTRATION

6.1 The provisions of this by-law shall be administered by the By-law Enforcement Officer, the Canine Control Officer or a police officer of the Oxford Community Police Service.

7. SEVERABILITY

7.1 In the event, that any provision, section, clause, sentence or any part or parts thereof of this by-law is declared by any Court of Law to be invalid, illegal or ultra-vires, such provision, section, clause, sentence or any part or parts thereof shall be severable and shall not affect the validity of any other provision, section, clause, sentence, or part or parts thereof of this by-law.

8. PENALTY

8.1 Every person who contravenes any provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

9. REPEAL

9.1 By-law 28-00 is hereby repealed.

10. EFFECTIVE DATE

10.1 This By-law shall be effective upon the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF JANUARY 2005.

MAYOR
SUSAN HAMPSON

CLERK-ADMINISTRATOR
BETTEANNE M. CADMAN

SCHEDULE "A"
TO
BY-LAW 06-2005

Licencing Fees

1. The licence fee for a spayed or neutered dog shall be Fifteen Dollars (\$15.00) per dog.
2. The licence fee for an intact male or female dog shall be Twenty-Five Dollars (\$25.00) per dog.
3. An additional fee of Five Dollars (\$5.00) shall be added onto the original licence fee if the tag is purchased after May 1 of the licencing year.
4. There is no charge for replacement tags.
5. The licence fee for a kennel shall be Fifty Dollars (\$50.00).