



THE CORPORATION OF THE TOWNSHIP OF NORWICH

**BY-LAW NO. 15-2017**

**BEING A BY-LAW TO REGULATE, AND RESTRICT DOGS IN THE  
TOWNSHIP OF NORWICH**

**WHEREAS** the *Municipal Act, 2001, S.O. 2001 C.25*, as amended, s. 11, authorizes municipalities to pass by-laws regarding animals;

**AND WHEREAS** the *Municipal Act, 2001, S.O. 2001 C.25*, as amended, s. 103, authorizes municipalities to pass by-laws providing for the seizure, impounding and sale of animals being at large or trespassing;

**AND WHEREAS** the *Municipal Act, 2001, S.O. 2001 C.25*, as amended, s. 105, authorizes municipalities to require the muzzling of dogs;

**AND WHEREAS** the Council of the Corporation of the Township of Norwich deems it advisable to enact such a by-law;

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

**SHORT TITLE:**

This By-law may be cited as the 'Dog Control By-law'

**SECTION 1 - DEFINITIONS**

For the purpose of this By-law:

- 1.1 **Animal** shall mean a domestic animal that has been tamed and kept by humans and has through selective breeding, become notably different from its wild ancestors, and includes an animal derived from self-sustaining captive populations, and shall include but not be limited to a dog.
- 1.2 **Animal Rescue Facility** shall mean a premises used to provide care and/or shelter to a dog or dogs in connection with a dog rescue and/or adoption effort.
- 1.3 **Assisting Agency** shall mean a person, business, sanctuary, organization or agency acting under the direction of an Officer directly contributing tactical expertise or service resources to an Officer.
- 1.4 **Approved Foster Home** shall mean an approved foster home that is lawfully operated by the local Humane Society or Ontario Society for the Prevention of Cruelty to Animals.

- 1.5 **Council** shall mean the Council of the Corporation of the Township of Norwich.
- 1.6 **Dangerous Dog** shall mean any dog:
- i. that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a human being or has demonstrated the propensity, tendency or disposition to do so; or
  - ii. that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a domestic animal requiring the services and treatment of a veterinarian or has demonstrated the propensity, tendency or disposition to do so.
- 1.7 **Dog** shall mean a male or female dog.
- 1.8 **Dwelling Unit** shall mean a suite of two or more rooms, designed or intended to be used for human habitation and to accommodate a single household, in which sanitary conveniences and cooking facilities are provided and which has a private entrance either from the outside of the building or through a common hallway.
- 1.9 **Enclosure** shall mean an enclosed area of sufficient dimension and construction to provide humane shelter for an animal while preventing it from escaping and preventing the entry therein of unsupervised children.
- 1.10 **Hamlet** shall mean those urban areas designated as hamlets within the Official Plan of the County of Oxford.
- 1.11 **Kennel** shall mean a lot, building, structure or establishment in which four (4) or more dogs, are housed, roomed, boarded, bred, trained, or sold and which may offer provisions for minor medical treatment, and shall include an Animal Rescue Facility..
- 1.12 **License Fee** shall mean a fee imposed upon the owner of a dog or kennel.
- 1.13 **Lot** shall mean 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.
- 1.14 **Mitigating Factor** shall mean a circumstance which excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:
- i. the dog was, at the time of the aggressive behaviour, acting in defense to an attack from a person or domestic animal;
  - ii. the dog was, at the time of the aggressive behaviour, acting in defense of its young or to a person or domestic animal trespassing on the property of its owner, or
  - iii. the dog bite, attack or threat of attack was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog;
  - iv. the dog was, at the time of the aggressive behaviour, being tormented.
- 1.15 **Municipality** shall mean the Corporation of the Township of Norwich or the geographic area of the Township of Norwich as the context requires.

- 1.16 **Muzzle** shall mean a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
- 1.17 **Officer** shall mean a Municipal Law Enforcement Officer of the Township of Norwich, a Police Officer or a person who is appointed by Council, whose duties include the enforcement of this By-law.
- 1.18 **Owner** shall include a person who keeps, possesses or harbours a dog and where the owner is a minor, the person responsible for the custody of the minor.
- 1.19 **Pound** shall mean such premises and facilities designated by the Corporation of the Township of Norwich as the Municipal Dog Pound.
- 1.20 **Pound Keeper** shall mean a person or association appointed by the Corporation of the Township of Norwich to operate, maintain, and administer the Municipal Dog Pound.
- 1.21 **Person** shall include any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.
- 1.22 **Restrained** shall mean being kept inside a building or house or in an enclosure of sufficient dimension and strength to be humane and secure so as to prevent an animal from coming in contact with or making a real and substantial threat of attack on a person other than the owner of the animal, or invitee of the owner, and includes keeping such animal securely on a leash of not more than two (2) meters in length when outside of such building, house or enclosure.
- 1.23 **Running at large** shall mean to be found in any place other than the premises of the owner and not under the physical control of any person by means of a leash.
- 1.24 **Settlement Area** shall mean any lands located within the boundaries of the settlements as designated in the Township's current Zoning By-law and Schedules.
- 1.25 **Service Animal** shall mean an animal used by a person with a disability:
- i. If it is a guide animal as defined in Section 1 of the *Blind Persons Rights' Act*,
  - ii. If it is readily apparent that the animal is used by the person for reason relating to his disability;
  - iii. If the animal is a service animal within the meaning of s. 80.45(4) of the *Integrated Accessibility Standards, O. Reg 191/11, enacted under the Accessibility for Ontarian with Disabilities Act, 2005.*
- 1.26 **Zoning By-law** shall mean the Township of Norwich Zoning By-Law No. 07-2003-Z, as amended from time to time.
- 1.27 **Village** shall mean those urban areas designated as villages within the current Official Plan of the Township of Norwich.

## **SECTION 2 – GENERAL PROVISIONS**

- 2.1 No person shall keep more than two (2) dogs in any one dwelling unit within a settlement area in the Municipality.

- 2.2 No person shall keep more than three (3) dogs in any one dwelling unit in the Municipality.
- 2.3 Notwithstanding Section 2.2 a kennel licensed by the Municipality may keep more than three (3) dogs on a lot in all areas of the Municipality that are not within a settlement area.
- 2.4 Every person having control of a dog shall forthwith remove and sanitarily dispose of excrement left by the dog anywhere in the Municipality including on any highway, public park, or public area.
- 2.5 No person who owns, possesses or is in care and control of a dog shall permit such dog, of which that person is the owner, to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.
- 2.6 No person who owns, possesses or is in care and control of a dog shall allow or permit such dog, of which that person is the owner, to run at large or fail to prohibit the dog from running at large:
  - I. on any private property without the consent of the person apparently in possession or having ownership of the property; or
  - II. on any public or municipal property; or
  - III. in a public place.
- 2.7 Any person who owns, harbours or possesses any animal shall not permit the animal to
  - i. threaten, bite or attack any person;
  - ii. threaten, bite or attack any animal; or
  - iii. damage public or private property.
- 2.8 Every owner or person having the care and custody of a dog three (3) months of age or over shall ensure that the dog is immunized against rabies, and shall ensure that the dog is re-immunized against rabies by the date specified in the certificate of immunization issued.
- 2.9 At the request of an Officer, the owner or person having the care and custody of a dog shall provide a valid certificate verifying that said dog has been vaccinated against rabies.
- 2.10 All persons may privately initiate proceedings under the *Dog Owners' Liability Act*, R.S.O. 1990, c D.16, which empowers individual residents, without municipal involvement, to rectify civil canine control issues.

### **SECTION 3 - DANGEROUS DOGS**

- 3.1 The decision to designate a dog a dangerous dog shall be at the sole absolute and unfettered discretion of an Officer following an investigation of an incident.
- 3.2 An Officer shall provide written notice to the owner of the dangerous dog outlining the required actions to be completed within a specified time period.
  - i. Any such notice may be served personally, by regular letter mail, by electronic transmission, by telephone transmission of a facsimile or by some other method that allows proof of receipt.

- ii. Service by regular letter mail under Clause 3.2.i. of this by-law shall be deemed to be received by the person on the fifth day after mailing unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive a copy until a later date than the deemed date of receipt.
  - iii. No person shall fail to comply with the required actions outlined in a notice issued under Section 3.2 of this by-law within the specified notice period.
  - iv. After a dog is designated as a dangerous dog by an Officer, no owner shall fail to comply with the provisions of the dangerous dog designation as outlined within Sections 3.3, 3.4, 3.5 and 3.6 of this By-law.
- 3.3 When a dangerous dog is off its owner's property the owner shall:
- i. ensure the dog is securely muzzled in a humane manner at all times;
  - ii. ensure the dog is on a leash not longer than one (1) meter in length; and
  - iii. ensure the dog is under the control of a person over the age of eighteen.
- 3.4 When a dangerous dog is on its owner's property the owner shall ensure the dog is securely confined within an enclosure that meets the following standards:
- i. shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
  - ii. must have minimum dimensions of two (2) meters long by 2 metres wide and must have secure sides and secure top.
  - iii. if the enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty (30) centimeters deep.
  - iv. the enclosure shall also provide protection from the elements for the dog.
  - v. the enclosure shall not be within three (3) meters of the property line or within three (3) meters of a neighbouring dwelling unit.
- 3.5 An owner of a dog which has been designated a dangerous dog pursuant to this by-law shall obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than One Million (\$1,000,000) Dollars for any damage or injury caused by such dangerous dog and provide the Municipality a certificate of such policy and each subsequent renewal thereof, such policy shall contain a provision requiring the insurer to immediately notify the Municipality should the policy expire, be cancelled or be terminated for any reason.
- 3.6 An owner of a dog which has been designated a dangerous dog pursuant to this by-law shall advise the Municipality immediately if he transfers ownership of such dog to another person, changes the address at which such dog is kept or has the dog euthanized, and shall furnish the Municipality with the particulars of the same and any other information which may be reasonably requested by an Officer.
- 3.7 An Officer may, at any reasonable time, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.
- 3.8 An Officer shall have the power to seize and impound any animal found within the Municipality contrary to the provisions of this By-law.

- 3.9 An Officer exercising the power to inspect, seize or impound pursuant to Section 3.7 and Section 3.8 of this by-law may be accompanied by an assisting agency acting under the Officer's direction.
- 3.10 All Dangerous Dogs designations shall be subject to the necessary provisions of the Statutory Powers Procedure Act, RSO 1990 c S.22.

#### **SECTION 4 - LICENSING**

- 4.1 No person, who is residing temporarily or permanently, in the Municipality shall own, keep, possess or harbour a dog unless a valid dog license has been issued by the Municipality in respect of that dog.
- 4.2 Every license issued by the Municipality shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.
- 4.3 All dogs shall be registered and license fees paid for on or before March 31<sup>st</sup> in each year or within fourteen (14) days from the date of which such dog is acquired, or is harboured or possessed by an owner within the Municipality.
- 4.4 The Municipality shall keep a record of dog license registration information, including the following:
- i. name, address, and telephone of dog owner;
  - ii. serial number of tag;
  - iii. date of registration;
  - iv. description of dog including gender, color, breed, and name;
  - v. amount of fee paid upon registration;
  - vi. 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 a license.
- 4.5 When the dog is not on the dog owner's premises, the registration license tag shall be fixed securely on the dog for which it was issued at all times until such time as the tag is renewed or replaced.
- 4.6 Where a registration license tag has been lost, one replacement tag shall be issued at no cost, and where subsequent tags have been lost, an application shall be made to the Municipality for a replacement tag and the replacement tag fee shall be paid.
- 4.7 No person shall transfer a license or tag issued by the Municipality from one owner to another, or from one dog to another.
- 4.8 The license fees to be paid to the Municipality shall be as set out in in the Municipal Rates & Fees By-law.

#### **SECTION 5 - KENNELS - ANIMAL RESCUE FACILITIES**

- 5.1 No person shall keep a kennel or animal rescue facility within the Municipality unless:
- i. that use is permitted in the Municipal Zoning By-law through a site specific amendment, or

- ii. the kennel or animal rescue facility existed prior to the effective date of the Township of Norwich current Zoning By-law and was lawfully used for that purpose on the date of passing of the Township of Norwich current Zoning By-law.
- 5.2 No person shall operate a kennel within the Municipality without a valid kennel licence issued by the Municipality.
- 5.3 All applications for kennel licenses shall be accompanied by the following information:
  - i. Name and address of kennel owner;
  - ii. Type of breed of dogs housed, boarded, bred or raised;
  - iii. Maximum number of dogs to be housed or kept within the kennel at one time;
  - iv. Location of kennel;
  - v. Proof of approved site specific zoning to provide for kennel use for said location;
  - vi. Applicable fee;
  - vii. A certificate of Registry with an association incorporated under the *Animal Pedigree Act (Canada)*.
- 5.4 In issuing a kennel licence, the Municipality may impose any conditions it considers appropriate.
- 5.5 Unless otherwise set out in the kennel licence, the owner of the kennel, location of the kennel and maximum number of dogs set out in the kennel licence application are deemed to be conditions of the kennel licence.
- 5.6 No person shall, as the holder of a kennel licence, contravene a term or condition of that kennel licence.
- 5.7 Every holder of a kennel licence shall advise the Municipality forthwith in the event of any change to the information provided to the Municipality under Section 5.3.
- 5.8 Notwithstanding any other remedy available at law, an Officer may, in his or her sole discretion, rescind a kennel licence if the holder of the licence is convicted of an offence under this By-law, or of an offence under the *Dog Owner's Liability Act*, the *Ontario Society for the Prevention of Cruelty to Animals Act* RSO 1990 c O.36, the *Criminal Code* of Canada, or any other offence relating to the care or welfare of an animal.
- 5.9 When an Officer rescinds a kennel licence, notice shall be given to the licence holder in writing, and such notice may be served personally, by regular letter mail, by electronic transmission, by telephone transmission of a facsimile or by any other method that allows proof of receipt and, if sent by regular letter mail, shall be deemed to be received by the person on the fifth day after mailing unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive a copy until a later date than the deemed date of receipt. The rescindment shall be effective ten (10) days after such written notice is given or deemed to be received.
- 5.10 Every kennel license issued by the Municipality shall expire on the thirty-first day of December of the year for which it is issued and shall be renewable yearly.

- 5.11 No person shall transfer a kennel licence issued by the Municipality from one owner to another, or from one kennel to another.
- 5.12 The kennel license fee to be paid to the Municipality shall be as set out in in the Municipal Rates & Fees By-law.
- 5.13 The Municipality may authorize, through site specific zoning, a person to operate an Animal Rescue Facility where:
- a. such person has demonstrated he/she is operating in good faith a dog rescue and adoption program that is either:
    - i. a rescue program for a specific dog breed recognized by the *Animal Pedigree Act (Canada)*, or
    - ii. a dog rescue and adoption program registered as a not-for-profit corporation,
- and
- b. the Animal Rescue Facility:
    - i. is registered with a recognized animal welfare organization, and,
    - ii. provides the Municipality a letter of reference signed by their primary veterinarian confirming that he provides veterinary care for the animals in the rescue and adoption program.
- 5.14 The Municipality may renew the authorization issued under Section 5.12 for a person to continue to operate an Animal Rescue Facility where the person has provided an annual report to the Municipality with information regarding the adoption of dogs, including the number of dogs adopted, who adopted the dog, address of the new owner and date the dog was adopted, and demonstrated he/she will continue to the meet the requirements under Section 5 of this by-law.
- 5.15 The kennel licence fee may, at the discretion of an Officer, be waived for a person approved to operate an Animal Rescue Facility
- 5.16 The person approved to operate an Animal Rescue Facility shall not be required to pay a license fee pursuant to the By-law for the first year, from the date of registration, a dog is harboured by or in possession of the approved Animal Rescue Facility and where the dog is harboured by or in the possession of the approved Animal Rescue Facility for the purpose of rescue and adoption.
- 5.17 Despite Section 5.15, where a person approved to operate an Animal Rescue Facility harbours or possesses a dog for the purpose of rescue and adoption for more than one year, from the date of registration, the person shall pay a license fee for such dog.

## **SECTION 6 - IMPOUNDING**

- 6.1 An Officer may seize and impound any dog found running at large contrary to the provisions of this Bylaw.
- 6.2 Every dog seized by an Officer shall be forthwith delivered to the Pound Keeper.



- 6.3 The owner or keeper of a dog impounded for being at large shall be entitled to redeem such dog within 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays, and days during which the pound is otherwise closed, upon paying the Municipality the applicable maintenance charges prescribed, and any other damages, fines and expenses according to law.
- 6.4 Where a dog that is impounded is not claimed by the owner thereof within the redemption period specified under 6.3 of this by-law, the Pound Keeper may retain the dog for such further time as he may consider proper and during that time the Pound Keeper may:
- i. sell the dog for such price as he may consider proper;
  - ii. euthanize the dog;
  - iii. dispose of the dog in accordance with the *Animals for Research Act*.
- 6.5 Where a dog that is captured or taken into custody is injured or in the opinion of the Pound Keeper, should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Officer or other trained person appointed by the Pound Keeper, may euthanize the dog in a humane manner as soon after capture or taking into custody as he may determine, and may do so without permitting any person to reclaim the dog or without offering it for sale.
- 6.6 In the opinion of an Officer, where a dog cannot be captured and where the safety of persons or animals are endangered, an Officer may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.
- 6.7 Where a dog is captured or taken into custody, and the services of a veterinarian are secured by the Pound Keeper, the owner shall pay to the Municipality all fees and charges of the veterinarian in addition to all other fees and per diem charges payable under this By-law, whether the dog is alive, dies or is euthanized.
- 6.8 Every pound fee or other maintenance fee and license fee that is unpaid in whole or in part is a debt due to the Municipality and is recoverable in any court of competent jurisdiction in which a debt or money demand may be recovered.
- 6.9 Every pound fee or other maintenance fee and license fee expended by or on behalf of the Municipality under the authority of the By-law that is unpaid in whole or in part is a debt due to the Corporation and shall be collected in like manner as municipal taxes.
- 6.10 Where a dog is claimed from the Pound keeper, the owner shall provide proof of ownership of the dog, as well as proof of payment for a current dog license, and pay the Municipality the applicable maintenance fees prescribed, and any other damages, fines and expenses according to law prior to release of the dog.

## **SECTION 7 - EXEMPTIONS**

- 7.1 This by-law shall not apply to:
- i. An animal hospital, clinic or kennel, lawfully operated for the exclusive purpose of treating sick or injured animals, by a veterinarian who is a registered member of the Ontario Veterinary Association.
  - ii. The Ontario Society for the Prevention of Cruelty to Animals.

- iii. Dogs maintained in a zoo, fair, exhibition, dog show or circus operated or licensed by a municipal or other governmental authority.
- iv. Service animals.
- v. Dogs maintained at a research facility registered under the *Animals for Research Act*, RSO 1990 c A.22.
- vi. Cats as the Municipality does not license cats and therefore ownership cannot accurately be determined.
- vii. A person who owns or operates a pound.
- viii. Young puppies, which may be kept with the mother for a period not exceeding sixty days following birth.
- ix. Any person who operates a retail pet store.

## **SECTION 8 - ADMINISTRATION AND ENFORCEMENT**

- 8.1 Unless otherwise indicated, the administration of this By-law shall be assigned by Council to an Officer who may delegate the performance of his functions under this By-law from time to time as occasion requires.
- 8.2 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender or vice versa, where applicable.
- 8.3 If there is a conflict between a provision in this By-law and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

## **SECTION 9 - PENALTIES**

- 9.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine or penalty for each offence, exclusive of costs, as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as may be amended from time to time.
- 9.2 In addition to any other remedy and to any penalty imposed, when a person has been convicted of an offence under this by-law:
  - a) the Ontario Court of Justice, or
  - b) any court of competent jurisdiction thereafter
 may make an order prohibiting the continuation or repetition of the offence by the person convicted.

## **SECTION 10 - TRANSITION**

- 10.1 Every license issued prior to the date of the passing of this By-law, shall be deemed to be a license issued under this by-law and every such license shall continue to be valid until its normal date of expiry.
- 10.2 Every act taken pursuant to the predecessor to this by-law shall, as necessary, be deemed to have been taken pursuant to this by-law and every such act may be carried to its conclusion pursuant to the authority granted by this by-law.

10.3 If an act has been validly commenced pursuant to the predecessor to this by-law and authority for such act does not exist pursuant to this by-law then such act may be continued to its conclusion and the portions of the predecessor to this by-law necessary to permit such act to be concluded shall be deemed to remain in effect for the purposes of bringing such act to a conclusion.

**SECTION 11 - REPEAL-ENACTMENT**

11.1 Any By-law or By-laws, or parts of any By-laws or By-laws that are inconsistent with this By-law are hereby repealed.

11.2 This By-law shall come into full force and effect on the date of its passing by Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14<sup>th</sup> DAY OF MARCH 2017

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MAYOR  
LARRY MARTIN

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DEPUTY CLERK  
KIMBERLEY ARMSTRONG