

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

BY-LAW NO. 2002-14

Being a By-law to Regulate and License the Keeping of Dogs and Dog Kennels in the Township of Mapleton and to repeal By-laws 99-33, 99-42 and 99-66

WHEREAS the Municipal Council of the Corporation of the Township of Mapleton deems it desirable to prohibit the running at large of dogs in the Township of Mapleton and deems it desirable to appoint an Animal Control Officer and to provide for the seizing, impounding and killing of dogs found running at large as hereinafter set forth and for licensing and regulating the owners of dogs in the said Township within the meaning of Section 210, Paragraphs 8, 9, 10, 11 and 13 of the Municipal Act, R.S.O. 1990, c. 45, as amended;

AND WHEREAS it is deemed expedient and necessary to further exercise the powers conferred upon local municipalities within the meaning of Section 210, Paragraph 138 of the Municipal Act, R.S.O. 1990, c. M45, as amended.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MAPLETON ENACTS AS FOLLOWS:

A. DEFINITIONS:

1. "Animal Control Officer" means the person or agency so designated by the Council, and any employees or agents of such person or agency, to carry out the provisions of this By-law.
2. "Blind Person" means a person to whom an identification card has been issued by the Attorney-General or an officer of his or her Ministry pursuant to the provisions of Section 4 of the Blind Persons' Rights Act, R.S.O. 1990, c. B.7.
3. "Body Length" means the length of the dog measured from the point of the nose to the tip of the fully extended tail when the dog is fully stretched out.
4. "Boarding Kennel" means a place where a maximum of twenty-five (25) dogs are groomed or housed and which is licensed by the Township under the provisions of the Municipal Act.
5. "Breeding Kennel" means a place where a maximum of twenty-five (25) active breeding stock are housed, groomed, bred, boarded, trained, sold or kept for hunting and which dogs are owned by the property owner, and which kennel is licensed by the Township under the provisions of the Municipal Act.
6. "Council" means the Council of the Corporation of the Township of Mapleton.
7. "Dog" means a male or female dog over the age of twelve (12) weeks, but does not include a Guide Dog Or Special Assistance Dog.

8. "Guide Dog" or "Special Assistance Dog" means a dog, which serves as a guide, or leader for a physically, vision or hearing impaired person or performs search and/or rescue functions and which has been especially trained for that purpose.
9. "Inspector" means a person designated by the municipality to be responsible for enforcing this by-law and may include but not be limited to the Canine Control Officer or the By-law Enforcement Officer.
10. "Muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
11. "Owner" means any person, partnership, association or corporation who possesses or harbours a dog and "own", "owns" or "owned" have a corresponding meaning.
12. "Pound" means the place so designated by the Council of the Township of Mapleton.
13. "Poundkeeper" means the person or agency so designated as the Animal Control Officer for the Township.
14. "Running at Large" means an animal that is not on the property of the owner and not on a leash and/or under the control of a person responsible.
15. "Township" means the municipality of The Corporation of the Township of Mapleton.
16. "Waste Management System" means an approved method of collecting, storing and disposal of waste as set out in the Environmental Protection Act, R.S.O. 1990, as amended from time to time and the regulations contained therein.
17. "Zoning By-law" refers to the current comprehensive zoning By-law as amended, of the Township of Mapleton.

B. ANIMAL CONTROL OFFICER

1. Council, in each year, shall by Resolution, appoint an Animal Control Officer whose duty it shall be to:
 - a) issue licenses and dog tags in accordance with the provisions of Schedule "A" of this By-law.
 - b) collect license fees in accordance with the provisions of Schedule "A" of this By-law.
 - c) issue violation tags in the manner hereinafter set forth;
 - d) keep accurate records of all licenses and dog tags issued pursuant to this By-law and such records must show the dog owner's name and address and the serial number of the dog tag;

- e) report to Council once a month on all matters relating to this By-law;
- f) carry out orders of the Mayor and Council;

C. LICENSING AND REGISTRATION FEES

Amended by BL2015-063

Now ... after March 1st

1. a) Every owner of a dog, before the 15th day of May in each year or within 21 days of becoming the owner of a dog, shall license and register each dog with the Township of Mapleton.
 - b) The owner of a dog or dogs shall pay a fee for any dog license(s) in accordance with the requirements contained in Schedule "A" attached to and forming part of this By-law. Amended by BL2015-063, Sch. E
2. Every license issued pursuant to this section shall expire on the 31st day of December in the year in which it was issued.
3. a) Upon payment of the appropriate license fee for a dog, the Township shall supply the owner with a dog tag and the owner shall keep the tag securely fixed on the dog at all times that the dog is off the property of the owner of that dog, until the tag is renewed or replaced.
 - b) No person shall remove the tag from a licensed dog, except while the dog is being lawfully used for hunting.
4. Every dog tag shall bear the serial number and the year in which it was issued.
5. A record shall be kept by the Clerk of the Township of Mapleton and/or the Township of Mapleton Animal Control Officer showing the name and address of the owner and the serial number of the tag and any other information as may be considered necessary.
6. Upon application for a license, the Township shall require the owner to produce a certificate signed by a practicing veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twelve (12) months of the date of the application for the license.
7. If required, the applicant for a license for a spayed female or neutered male dog shall produce a certificate from a veterinarian surgeon that such dog has been spayed or neutered.
8. In the event a dog tag is lost, an owner shall apply for a replacement dog tag and shall pay the fee as set out more particularly in Schedule "A" attached hereto. Amended by BL2015-063, Sch. E
9. No license or dog tag shall be transferable and the dog tag shall expire and become void upon the sale, death or other disposal of the dog.

10. An owner of a Guide Dog and/or Special Assistance Dog, upon providing proof that the dog has been trained and certified as such, shall be granted an exemption to the license fee pursuant to the requirements contained in Schedule "A" attached to this By-law.

Amended BL2015-063, Sch E

D. PROVISION OF NEEDS

1. Every person who keeps a dog within the municipality shall provide the animal or cause it to be provided with:
 - a) clean, fresh drinking water readily available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
 - d) necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.
2. Every person who keeps a dog which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with an enclosure that meets the following criteria:
 - a) a total area that is at least twice the length of the animal in all directions;
 - b) contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the dog's weight and type of coat. Such shelter must provide sufficient space to allow the dog the ability to turn around freely and lie in a normal position;
 - c) in an area providing sufficient shade to protect the dog from the direct rays of the sun at all times; and
 - d) pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed.
3. No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
4. No person may cause an animal to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

5. No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation
6. No person may transport an animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

E. IMPOUNDMENT

1. It shall be the duty of the Animal Control Officer to capture dogs found running at large and return them to the owner's habitual residence if known, or to impound same, when practical, where they can be confined subject to the right of the owner to redeem the dog within seventy-two (72) hours from the time of impoundment, exclusive of Sundays and holidays and the day of impoundment, by paying to the Corporation the fees as set out in Schedule "A" to this by-law.
2. The owner of every dog impounded, if known, whether or not the dog is claimed by the owner from the pound, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand to the Treasurer of the municipality or the Canine Control officer as the case may be.
3. Where at the end of the said seventy-two (72) hours, possession of the dog has not been restored to the owner, the operator of the pound may dispose of the dog in accordance with Chapter A.22 of the Animals for Research Act, Sections 20 (6) and (7).
4. No dog shall be returned to the owner unless it has been licensed in accordance with the provisions of this by-law and any owner of a dog without a dog tag shall obtain a dog tag for the current year before delivery is made.
5. Where a dog is seized and impounded, is injured or should be destroyed without delay for humane reasons or safety to persons or animals, the Animal Control officer may have the dog disposed of in a humane manner as soon after seizure as deemed fit without permitting any person to reclaim the dog or animal or without offering it for sale and in that event no damages or compensation shall be recoverable on account of its killing.
6. All monies received for the sale or adoption of unclaimed dogs shall become the property of the Canine Control Officer.
7. Where a dog is alleged to have bitten any person or domestic animal, such dog may be impounded and held by the pound until proceedings under the Dog Owners' Liability Act, R.S.O., 1980, Chapter 124 have been followed, provided that no dog shall be so impounded or held for a period in excess of twenty-one (21) days unless otherwise ordered by a Judge.

F. KENNELS

1. Every owner/operator of a kennel before the 15th day of May in each year, or upon application for a new kennel license shall apply for and pay a kennel license fee in accordance with the requirements contained in Schedule "A" attached to this By-law. Amended BL2015-063, Sch. E
2. The fee for a kennel license shall cover all dogs owned and maintained by the kennel owner.
3. Each kennel shall conform to the requirements of the Zoning By-law and no kennel, run, pen or exercise yard shall be erected contrary to the provisions of such Zoning By-law.
4. Kennel operators who were issued a valid 2001 Kennel License but are unable to meet the provisions of the Township of Mapleton Zoning By-law 2000-84 on the date of passing of the within by-law, shall make application to the Township of Mapleton under the said zoning by-law for a temporary use permit to obtain legal non-confirming use status. Site specific restrictions may apply.
5. An application for a kennel license or renewal shall be submitted in the prescribed form as provided by the Township, including a detailed site plan and the appropriate fee, to the Township's Chief Administrative Officer.
6. All new licenses and renewal licenses for a Boarding Kennel or a Breeding Kennel in the Township of Mapleton will only be approved after the Township's Inspector has inspected the premises to ensure compliance with this by-law. All inspection fees charged by the Inspector are to be paid by the applicant at the time of the application in accordance with the fees as set out in this by-law on Schedule "A". See BL2015-063, Sch. E.
7. No kennel shall be located within a minimum of one hundred and fifty (150) metres (492 feet) of any adjacent property owner's habitable building or buildings used for the keeping of livestock.
8. The Township shall require the owner/operator of a kennel to provide acoustical barriers where necessary, as determined by the Township. Acoustical barriers are to be set out on the detailed site plan drawing submitted with the application for kennel license and may include, but is not limited to solid fencing and/or natural buffer of trees and/or mound of earth.
9. a) After having given thirty (30) days' notice in writing, the Township may, at any time, cancel a kennel license when it is of the Township's opinion that the continued operation of the kennel is not in the best interest of the Township. Such grounds for cancellation may include unresolved problems of noise, sanitation, care of dogs or uses other than permitted by the kennel license, as determined by the Township.

- b) The aforesaid written notice shall state that the owner of the kennel shall have the prior opportunity to make submissions to Council, either written or in person, as to why the kennel license should not be rescinded;
 - c) The written notice described in Subsection (a) above shall be delivered in person or mailed by prepaid registered mail to the registered owner of the kennel.
10. The Council of the Township of Mapleton reserves the right to refuse a kennel license to any person or persons.
 11. No person shall operate a kennel unless he/she is the owner of the property on which the kennel is located.
 12. No person shall operate or continue to operate a kennel without a valid license.
 13. All kennel licenses shall be valid for a one-year period commencing January 1 in the year of issuance and expiring on December 31st of the same year.
 14. Kennel licenses shall only be issued by the Council of the Township of Mapleton once Council is satisfied that the Site Plan required in paragraph 5 above has been completed in accordance with the specific standards for kennels contained in this By-law.
 15. Every kennel owner/operator existing at the time of the passage of this By-law shall comply with the terms and provisions of this By-law within a period of one (1) year from the date of the passage of this By-law.
 16. All boarding kennels shall be restricted to the number of dogs for which their existing facilities are designed, up to a maximum of twenty-five (25) provided that the kennel complies with the regulations contained in this by-law.
 17. All breeding kennels shall be restricted to the number of dogs for which their existing facilities are designed, up to a maximum of twenty-five (25) active breeding stock, provided that the kennel complies with the regulations contained in this by-law. In addition to the 25 active breeding stock, it is recognized that a number of retired dogs and a number of puppies will be housed in the breeding kennel, the number of which is discretionary to the Canine Control officer. Consideration is to be given to the existing facility's housing capacity for the dogs.
 18. Kennels shall be owned, managed and operated by the property owner on which the kennel is located and the kennel owner/operator/manager shall reside on the subject property.

G. KENNEL CONDITIONS

1. Every person who owns or operates a kennel shall have regard to the guidelines set out in "A Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association, dated September, 1994.

2. No person who owns or operates a kennel shall keep dogs in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the dogs results in an accumulation of faecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person.
3. Every person who owns or operates a kennel shall provide the animals under care, or cause them to be provided with:
 - a) clean, fresh drinking water available and suitable food of sufficient quantity and quality to allow normal, healthy growth and the maintenance of normal, healthy body weight;
 - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
 - d) necessary veterinary medical care when any animal exhibits signs of pain, illness or suffering.
 - e) Every animal enclosure shall provide the animal with protection from heat, cold and wet and be of sufficient size to allow the animal the ability to turn around freely and lie in a normal position.
 - f) Every run or pen area must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.
4. Every person who owns or operates a kennel shall undertake measures to ensure that residences on adjacent properties are not subjected to persistent noise making by the dogs kept at a kennel operation.
 - i) Where the municipality receives a complaint about noise emissions from a licensed kennel, the enforcement officer appointed by Council to administer the provisions of this by-law related to kennels shall investigate such complaints and may at his or her sole discretion issue a fine against the owner of such a kennel.
 - ii) Where a kennel is found guilty of three (3) or more violations of subsection (i) above, the enforcement officer or Council may order the owner of the kennel to submit at its own expense, a noise evaluation study prepared by a qualified acoustical consultant and may suspend the license to operate a kennel until such time as the noise evaluation study has been reviewed and approved by the municipality and satisfactory arrangements for the implementation of noise abatement measures have been made, including the entering into of any agreements and the posting of securities required to ensure the completion of any required noise abatement measures.

iii) Section ii), may also apply to an application for a building permit to increase the housing capacity of a licensed kennel.

5. The kennel shall have a manure receptacle for the storage of dog waste. All kennel owners shall comply with the provisions of Part V of the Environmental Act, R.S.O. 1990 and all Regulations thereto with respect to waste management systems, including but not limited to the collection and disposal of waste.

H. BREEDING KENNEL CONDITIONS (in addition to E. above)

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

I. RECORDS

1. Every person who operates a kennel shall maintain records of the following minimum information:
 - a) The names and addresses of the owners of all dogs cared for at the kennels;
 - b) The dates of arrivals and departures of individual dogs from the kennels;
 - c) Breeding and identification records of all whelping bitches and stud dogs and the resulting litters;
 - d) The names and addresses of the purchasers of individual puppies;
 - e) Veterinarian records on individual dogs maintained in breeding kennels must be kept on site. Vaccination records must be provided to the kennel owner on individual dogs maintained in boarding kennels.

J. KENNEL INSPECTIONS/POSTING OF LICENSE

1. Every person who holds a kennel license or the owner/operator of the kennel shall, at all reasonable hours, be open to inspection by the Township's Animal Control Officer and/or the Township's By-law Enforcement Officer, Ontario Society for the Prevention of Cruelty to Animals or such other persons trained in the area of disease control and sanitation as may be appointed by Council.

2. Every person who holds a license or the owner/operator of the kennel shall keep the license posted up in some conspicuous place on the premises and shall, when so requested by any person authorized by the Township, produce such license for inspection.

K. DOGS RUNNING AT LARGE

1. No owner of a dog shall allow or permit such dog to run at large.
2. A dog shall be deemed to be running at large if it is found in any place other than the premises of the owner of the dog, not on a leash, and not under the control of a responsible person.
 - a) Any dog found running at large contrary to this By-law may be seized and held in a township pound or township designated pound.
 - b) Payment for such impounding shall be according to the rates as determined by the Council or the Pound from time to time.
 - c) A dog will not be released until the owner of the dog pays a fee to be determined from time to time by the Council. The proceeds from any dog sold by the poundkeeper shall belong to the Pound.
 - d) Any dog impounded by the poundkeeper shall not be released to the owner until the owner of the dog has provided satisfactory evidence that the dog has been licensed and registered.
 - e) A dog shall not be considered to be running at large if it is a Guide Dog or a dog involved in police work or if it is a dog being lawfully used for hunting. If an animal kill occurs by a dog being lawfully used for hunting, the provisions of the Livestock, Poultry and Honey Bee Protection Act will prevail.

L. DOG WASTE

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

M. LEASH AND MUZZLING LAW

1. The owner of a dog shall ensure that such dog is kept on a leash and under the control of a responsible person when not on the property owned by the owner of the dog.
2. The owner of a dog which has bitten a person or domestic animal shall ensure that such dog is kept on a leash not longer than one meter and muzzled and under the control of a person, when not on the owner's property unless prior consent is given by the person owning the land on which the dog is found.

3. Such owner of a dog that has bitten a person or domestic animal shall display a sign at each entrance to the property and building in which the dog is kept, warning in writing, that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.

N. MISCELLANEOUS MATTERS

1. The Township, its agents, Animal Control Officer and the Poundkeeper shall not be liable for damages or compensation for any dog injured or killed under the provisions of this By-law and no such damages or compensation shall be paid to any person.
2. Subject to the provisions of this By-law applicable to kennels, no owner or occupier of a premises in the Township of Mapleton shall keep more than three (3) dogs on any one property save and except that this By-law shall not apply to:
 - a) An animal hospital or veterinarian clinic;
 - b) A pet store;
 - c) An Ontario Humane Society shelter or the Pound designated by this By-law;
 - d) Dogs under the age of twelve (12) weeks in age;
 - e) A licensed kennel.
3. No owner of a dog shall permit the dog to make any noise likely to disturb the inhabitants of the Township of Mapleton.

O. FEES

1. Every owner of a dog or of a kennel shall pay the fees set out in the Schedule "A" to this By-law in accordance with the requirements of this By-law. Amended, See BL2015-063
Schedule E

P. PENALTY PROVISIONS

1. Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in the Provincial Offences Act, R.S.O., 1990 c. P33, as amended.
2. Each and every one of the foregoing provisions of the By-law is severable and if any provisions of this By-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions shall remain in full force and effect.

Q. REPEAL OF BY-LAWS

1. Township of Mapleton By-law 99-33, 99-42 and 99-66 and an amendments to those By-laws and any other By-laws inconsistent with the provisions of this By-law shall be deemed to be repealed on the day that the Chief Judge, Ontario Superior Court of Justice, approves the set fines with respect to the offences contained in this By-law pursuant to Part 1 of the Provincial Offences Act.

R. EFFECTIVE DATE OF THIS BY-LAW

1. This By-law shall be deemed to come into force on the day that the Chief Judge, Ontario Superior Court of Justice, approves the set fines with respect to the offences contained in this By-law pursuant to Part 1 of the Provincial Offences Act.

READ a first and second time this 4 day of March, 2002.

READ a third time and passed this 4 day of March, 2002.



Mayor Carl Hall



CAO Clerk Patty Sinnamon