

**The Corporation of the Town of Greater Napanee
By-law No. 2024-0055**

**Being A By-Law to Provide for the Licensing, Registration and Regulation of the
Keeping and Controlling of Dogs within the Town of Greater Napanee**

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act, 2001*") authorizes a lower-tier municipality to pass by-laws with respect to animals;

AND WHEREAS Subsection 11(2) of the *Municipal Act, 2001* provides that a lower-tier municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of persons; and the protection of persons and property;

AND WHEREAS Subsection 103(1) of the *Municipal Act, 2001* provides that, if a municipality passes a by-law regulating or prohibiting the being at large or trespassing of animals, it may provide for the seizure, impounding and sale of impounded animals;

AND WHEREAS Subsection 391(1) of the said *Municipal Act, 2001* 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 Subsection 425(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

AND WHEREAS Subsection 429(1) of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the *Municipal Act, 2001*;

AND WHEREAS The Council of The Corporation of the Town of Greater Napanee deems it expedient and in the public interest to licence, regulate and control dogs in the municipality.

NOW THEREFORE the Council of The Corporation of the Town of Greater Napanee hereby enacts as follows:

PART 1 - DEFINITIONS

1.1 In this By-law:

- (a) "Animal Welfare Services" means Animal Welfare Services within the Ministry of the Solicitor General, who is responsible for enforcing the *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c. 13;

- (b) "Appeals Committee" means the current Council of the Town of Greater Napanee, or any other body as appointed by future by-law.
- (c) "Attack" means physical contact, other than accidental contact, by a Dog that results in bleeding, bone breakage, bruising, a scratch or a sprain to a Person or a Dog or damage to clothing worn by a Person, and the words "Attacked" or "Attacking" have a corresponding meaning;
- (d) "Bite" means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of a Dog;
- (e) "Council" means the Council of The Corporation of the Town of Greater Napanee;
- (f) "Dog" means a male or female canine of the species *Canis familiaris*;
- (g) "Dwelling Unit" means a suite of two or more rooms, which are part of a building attached to a permanent foundation designed or intended for use as a single housekeeping unit, in which sanitary conveniences are provided, in which only one kitchen facility is provided for cooking, in which a heating system is provided, and, which has a private entrance from outside the building or from a common hallway or stairway inside;
- (h) "Keep" means to have temporary or permanent control or possession of a Dog, and the words "Kept" or "Keeping" have a corresponding meaning;
- (i) "Kennel" means any Premises, cages or pens, excluding dog clinics, grooming establishments, humane societies and Pet Shops where four (4) or more Dogs are lodged, treated, bred, kept or boarded. A Kennel may be classified as:
 - i. "Breeding Kennel" is a Kennel where the primary purpose of the facility is for breeding of Dogs;
 - ii. "Commercial Kennel" is a Kennel where the primary purpose of the facility is for the boarding or training of Dogs for hire or gain;
 - iii. "Hobby Kennel" is a Kennel where Dogs are Kept for personal uses as hunting Dogs, sled Dogs or show Dogs, Kept for the purpose of training or Kept as pets and where there is no boarding and no revenue derived from the Kennel;
- (j) "Leash" means a restraint held by a Person and used to restrain a Dog;
- (k) "Muzzle" means a humane fastening or covering device of adequate strength placed over the mouth of a Dog to prevent it from biting a Person or Dog, and the words "Muzzled" and "Muzzling" have a corresponding meaning;

- (l) "Officer" means a Person appointed by Council as a Municipal By-law Enforcement Officer, and Dog Control Officer;
- (m) "Owner" means any Person who possesses, harbours or keeps a Dog(s), and where the Owner is a minor, the Person responsible for the custody of the minor, and includes a Person who is temporarily the Keeper or in control of the Dog and the word "Owns" has a corresponding meaning;
- (n) "Person" includes an individual, corporation, association, or any other non-incorporated entity;
- (o) "Pound" means the premises and property owned by the Kingston Humane Society or any other location that may be authorized by the Town to use for the temporary housing and care of dogs that have been impounded pursuant to this By-law, in accordance with the Dogs for Research Act, R.S.O. 1990, Chapter A.22;
- (p) "Premises" includes lands, buildings or structures or any parts thereof;
- (q) "Service Dog" means an animal required by a person with a disability for assistance, and the person has documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to their disability:
 - i. A member of the College of Audiologists and Speech-Language Pathologists of Ontario,
 - ii. A member of the College of Chiropractors of Ontario,
 - iii. A member of the College of Nurses of Ontario,
 - iv. A member of the College of Occupational Therapists of Ontario,
 - v. A member of the College of Optometrists of Ontario,
 - vi. A member of the College of Physicians and Surgeons of Ontario,
 - vii. A member of the College of Physiotherapists of Ontario,
 - viii. A member of the College of Psychologists of Ontario,
 - ix. A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.
- (r) "Tether" means a rope, chain or any restraining device attached to an inanimate object that prevents a Dog from moving away from a localized area and the words "Tethered" and "Tethering" have a corresponding meaning;
- (s) "Town" means The Corporation of the Town of Greater Napanee or the geographic area of the Town of Greater Napanee;
- (t) "Without Provocation", when used in reference to a Bite or Attack on a Person or Dog, means in the absence of any abuse, assault, teasing, tormenting or unwanted physical contact by the Person or Dog who sustained the Bite or Attack.

- (u) "Working Farm Dogs" include dogs that are used for herding or guarding livestock on a farm.

PART 2 – CARE OF DOGS

RESPONSIBILITY TO CARE FOR DOGS

- 2.1 Every Person who Keeps a Dog within the Town shall at all times provide the Dog, or cause it to be provided with:
- (a) a clean and sanitary environment free from the accumulation of waste matter;
 - (b) adequate and appropriate:
 - i. care;
 - ii. food;
 - iii. unfrozen, fresh and clean water; and
 - iv. shelter from the elements including the sun;
 - (c) clean and dry bedding; and
 - (d) the opportunity for physical activity sufficient to maintain good health.
- 2.2 Every Person who Keeps a Dog that normally resides out of doors, or that is Kept out of doors, unsupervised for extended periods of time, shall, in addition to complying with the requirements set out in Section 2.1 of this By-law, ensure that the Dog is provided with and has complete and unrestricted access to the following:
- (a) a shelter that protects the Dog's entire body from the elements, having regard to the Dog's weight and type of coat, and that is raised above the surface of the earth and that has an entrance that faces away from the prevailing wind;
 - (b) an area separate and apart from the Shelter for the Dog to use for defecation and urination;
 - (c) an area separate from the Shelter that provides the Dog with shade and protection from direct sunlight at any time of the day; and
 - (d) an area that is dry and free from standing water.

SANITARY CONDITIONS

- 2.3 Every Person who Keeps a Dog within the Town shall Keep the Dog, or cause the Dog 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 Dog, or that may endanger the health of any Person or Dog.

EXEMPTIONS

- 2.4 No part of this By-law shall be interpreted so as to prohibit:
- (a) a Person who is a bona fide farmer engaged in a normal farming practice pursuant to the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended and other applicable law.

TETHERING OF DOGS

- 2.5 No Person shall Keep a dog tethered unless:
- (a) the Tether is a minimum of four (4) metres in length;
 - (b) the Dog has unrestricted and unobstructed movement within the range of the Tether;
- 2.6 No Person shall Tether a Dog in such a way as to permit the Dog to go beyond the limits of the Person's Premises, or the Premises of another Person from whom the Owner of the Dog has received prior consent from the owner of that Premises.

PART 3 – DOG REGISTRATION

REGISTRATION

- 3.1 Every Owner of a Dog in the Town shall:
- (a) Register the Dog with the Town as soon as the dog has attained the age of 12 weeks or within 7 days of coming into possession of a new dog, and pay an annual Dog registration fee as set out in Schedule "A", as may be amended by Council from time to time;
 - (b) renew the registration annually;
 - (c) ensure that the Dog identification tag, issued as part of the registration, is displayed on the Dog's collar, and that the said collar is always affixed to the Dog; unless:
 - i. The Dog is indoors or on its Owner's property;
 - ii. The Dog is microchipped; however, an up-to-date licence must be produced upon request of an Officer;
 - iii. The Dog is being lawfully used for hunting; however, an up-to-date licence must be produced upon request of an Officer;

- iv. The Dog is undergoing medical treatment on the recommendation of a veterinarian; however, an up-to-date licence must be produced upon request of an Officer.
 - (d) obtain a replacement Dog identification tag by paying the fee as set out in Schedule "A", as may be amended by Council from time to time, if such tag is lost, damaged or destroyed;
 - (e) have their dog vaccinated against rabies and provide proof of a current certificate of vaccination upon request by an Officer; and
 - (f) if applicable, provide proof that their Dog has been sprayed/neutered upon request by an Officer.
- 3.2 In order to register a Dog, the Dog Owner shall provide the Town with the following information:
- (a) name, address, mailing address, telephone numbers, and email address (if applicable) for the Dog Owner; and
 - (b) name, date of birth, gender, breed, colour, microchip number (if applicable), name of veterinarian, and spray or neuter information (if applicable) of the Dog.
- 3.3 The Owner of a Dog shall notify the Town within seven (7) days of the sale or death of a Dog registered with the Town, or of any change in the Owner's information.
- 3.4 The Town may provide the registrant with an identification tag for each Dog registered in accordance with this By-law.
- 3.5 No Person shall use an identification tag for any Dog other than the Dog for which such identification tag was issued.
- 3.6 No Person shall provide the Town with any false information in respect of the registration, or renewal of a registration, of a Dog.
- 3.7 Despite Section 3.1(a), a person with a Service Dog is exempt from paying the annual registration fee, subject to the Owner providing proof of Service Dog status.

DOG KENNELS

- 3.8 No Person shall construct, establish, maintain or operate a Kennel in the Town unless:
- (a) 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 Town's Zoning By-law No. 02-22, as amended, and any successor thereto, the *Health Protection and Promotion Act* and Regulations, the *Ontario Building Code Act* and Regulations, the *Fire Prevention and Protection Act*, and Regulations, the *Provincial Animal Welfare Services Act* and Regulations, and any other applicable law;

- (b) Notwithstanding Section 3.8(a), Hobby Kennels located outside of the urban utility service area do not need to be in compliance with the Zoning By-law Kennel provisions, provided that a site plan is submitted showing sufficient room to house the proposed number of dogs on the Premises and as long as the Premises allow compliance with the minimum standards outlined in the *Provincial Animal Welfare Services Act*;
 - (c) the Kennel and its surrounding environs are so constructed, established, maintained and operated in a way that prevents escape by any Dog from the Kennel;
 - (d) in every year, the owner or operator of the Kennel registers the Kennel with the Town and pays the annual Kennel registration fee, which includes the fee for Dog tags for dogs owned by the kennel operator, as set out in Schedule "A", as may be amended by Council from time to time;
 - (e) the Owner or operator of the Kennel renews the Kennel registration annually before March 1st of each year at a discounted rate, and in the event the Kennel is registered on or after March 1st of any given year, the owner or operator of the Kennel pays the regular Kennel registration fee as set out in Schedule "A", as may be amended by Council from time to time;
 - (f) the Owner or operator's Kennel registration is reviewed and signed off on by a staff member from the Zoning/Planning department and a By-law Enforcement Officer;
 - (g) the Kennel is operated on a property as an accessory use to a permanent dwelling unit and an operator must reside at the property on which the Kennel is located; and
 - (h) the Owner or operator of a Breeding Kennel or a Commercial Kennel complies with the standards as set out in Schedule "C", attached hereto.
- 3.9 Where an Owner or operator of a Kennel constructs or establishes a Kennel after the 1st day of March of any year, at the time of registration the Owner or operator may pay one-half of the applicable annual registration fee as set out in Schedule "A", as may be amended by Council from time to time, on condition that the registration fee is paid to the Town of Greater Napanee.

- 3.10 In order to register a Kennel, the Owner or operator of the Kennel shall provide the Town with the following information:
- (a) the name, address, telephone numbers and email address (if applicable) of the Kennel Owner and/or operator;
 - (b) the name, age, gender, breed, disposition and color or markings of all Dogs kept at the Kennel, if registering a Breeding or Hobby Kennel;
 - (c) a declaration from the person applying for a Kennel Licence affirming that there is no legal restriction preventing them from owning or caring for Dogs, and
 - (d) a completed Application for Kennel License and the prescribed fee.
- 3.11 All Kennel applications are subject to inspection by the by-law department to ensure 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 Town's Zoning By-law No. 02-22, as amended, and any successor thereto, the *Health Protection and Promotion Act* and Regulations, the *Ontario Building Code Act* and Regulations, the *Fire Prevention and Protection Act* and Regulations the *Provincial Animal Welfare Services Act* and Regulations, and any other applicable law.
- 3.12 No Owner or operator of a Kennel shall permit more than the maximum number of Dogs for which the registration fee has been paid to be kept at the Kennel.
- 3.13 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.
- 3.14 Any Kennel Registration may be refused, suspended pending compliance, or revoked by an Officer for non-compliance and a written notice shall be given for:
- (a) failure to comply with any provisions of this by-law;
 - (b) failure to comply with Part II – Care of Dogs or Schedule “C” - Standards for Breeding and Commercial Kennels;
 - (c) hindering or obstructing, or attempting to hinder or obstruct, an inspection of the Kennel;
 - (d) unresolved problems of noise;
 - (e) substandard care of Dogs as determined by an Officer;

- (f) substandard conditions of a Kennel, including insufficient food, water, light, heat or sanitation or the presence of excessive excrement, odours, insect or rodent infestations, as determined by an Officer;
 - (g) uses other than permitted by the Kennel license, as determined by the Municipality in its sole discretion; or
 - (h) non-compliance with any Provincial legislation.
- 3.15 The written notice as described in 3.13 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the Kennel.
- 3.16 Where an Officer finds that the Owner or operator of a Kennel does not comply with any regulation in this By-Law, they may direct that the Dogs at the Kennel be seized and impounded by the Pound Keeper.
- 3.17 No person shall operate or continue to operate a Kennel without a valid license.
- 3.18 Any Kennel Registration may be refused, suspended pending compliance, or revoked by an Officer for non-compliance if, in their opinion, animal abuse is occurring on the premises.
- 3.19 It shall be unlawful for any person to keep, use or maintain within the Town any Kennel in such a manner that the same is found by Animal Welfare Services to be nauseous, foul or offensive or a public nuisance, and upon such a finding, any licence therefore may be revoked by the Town.
- 3.20 In the event that an Officer refuses a Kennel Registration or suspends or revokes a Kennel Registration, the Owner or operator of such Kennel may appeal to the Appeals Committee in accordance with the following procedures:
- (a) A request by the Owner or operator of such Kennel for a hearing under this section shall be made in writing and delivered to the Clerk within fifteen (15) days of the Owner receiving the decision of the Officer.
 - (b) The Owner or operator of such Kennel, upon payment of a hearing fee as set out in Schedule "A", as may be amended by Council from time to time, may request and is entitled to a hearing of the Appeals Committee.
 - (c) Upon determination of the hearing date, the Clerk shall give notice in writing to the Owner that:
 - i. includes a statement of the time, date, place and purpose of the hearing, and;
 - ii. includes a statement that if the Owner or operator of such Kennel does not attend the hearing, the Appeals Committee may proceed in the absence of the Owner or operator of such Kennel and the Owner

or operator of such Kennel will not be entitled to any further notice.

- (d) The notice of hearing referred to in this section may be given by delivering it personally or sending it by prepaid registered mail to the Owner or operator of such Kennel at the Owner or operator of such Kennel's last known address on file with the Town. When service is made by registered mail, the service shall be deemed to be made on the seventh (7th) day after the day of mailing, unless the person on whom service is being made established that they did not, acting in good faith, through absence, accident, illness or other cause beyond their control receive the written notice until a later date.
 - (e) The Appeals Committee shall hold a hearing pursuant to the provisions of the *Statutory Powers and Procedures Act* at the time, date and place set out in the notice referred to in this section and the committee may:
 - i. exempt the owner from some or all of the Kennel requirements,
 - ii. confirm the Kennel requirements and the decision of the Officer,
 - iii. vary the Kennel requirements and impose other conditions on the granting of a Kennel license, or
 - iv. combine any exemption confirmation or variance as it sees fit.
 - (f) An application made by the Owner or operator of such Kennel for a hearing under this section does not act as a stay of the decision of the Officer which shall take effect on the day it is served or deemed served and shall continue to be effective until the Council renders a decision indicating otherwise.
- 3.21 If an appeal is taken, the decision of the Appeals Committee shall be final and binding.

LEASHING AND RUNNING AT LARGE

- 3.22 For the purposes of this By-law, a Dog shall be deemed to be running at large if it is found in any place other than on the Premises of its Owner or property of any Person with permission of that Person, while not on a Leash held by any Person and not under the control of any Person.
- 3.23 No Owner of a Dog shall permit the Dog to run at large in the Town.
- 3.24 Every Owner of a Dog shall, while the Dog is not on the Owner's Premises or property of any Person with permission of that Person, control the Dog by means of a Leash that is a maximum length of 1.8 metres (6 feet) and that is held or affixed to their Person or another competent Person.

- 3.25 Notwithstanding Section 3.24, a retractable leash may be utilized, provided it is limited to a maximum of 1.8 metres (6 feet) in length when approaching or in the presence of another Dog or Person.
- 3.26 Sections 3.22 – 3.25 shall not apply to:
- (a) police working dogs while they are in the course of fulfilling their duties; and
 - (b) hunting Dogs that are under the direct supervision of a Person who is a bona fide hunter actively engaged in hunting in accordance with the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c. 41, as amended, and other applicable law during a permitted season to whom has been issued such necessary licences and permits as may be required by federal, provincial, or municipal laws.

IMPOUNDING OF DOGS

- 3.27 An Officer may seize any Dog that is found running at large in the Town and may cause such Dog to be delivered to the Pound.
- 3.28 Any Person may seize any Dog that is found running at large in the Town and shall immediately thereafter cause such Dog to be delivered to the Pound or, if known, returned to its Owner.
- 3.29 A Dog seized pursuant to Sections 3.27 or 3.28 of this By-law shall be considered impounded at the time and place when it comes under the control of the Officer or, in any other case, when delivered to the Pound.
- 3.30 Upon seizing or taking possession of any 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.
- 3.31 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 in accordance with the *Animals for Research Act, R.S.O. 1990, c. A.22*, as amended.
- 3.32 During the redemption period, the Pound:
- (a) may provide such emergency veterinary care for an injured impounded Dog as may be necessary to sustain its life or relieve any distress;
 - (b) 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
 - (c) shall be entitled to recover from the Owner of the Dog, any Pound fees for

the redemption of the Dog as set out in Schedule "A", as may be amended by Council from time to time.

- 3.33 During the redemption period, the Pound may euthanize an impounded Dog without delay if, in the opinion of a veterinarian, such action is warranted for humane reasons.
- 3.34 During the redemption period, the Owner of an impounded Dog may obtain release of such Dog by first:
- (a) providing evidence to the Pound 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 Town in accordance with this By-law;
 - (b) paying the costs and fees provided for in Section 3.32 of this By-law; and
 - (c) taking any other action in relation to the care or control of the Dog that the Town or Pound may direct.
- 3.35 After the expiration of the redemption period, the Pound may:
- (a) release the Dog to its Owner upon compliance with Section 3.34 of this By-law; or
 - (b) Keep, sell, 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.
- 3.36 Whenever an impounded Dog is released to its Owner, a record of such release shall be kept by the Pound.

DOG BITES & MUZZLING OF DOGS

- 3.37 Where an Officer becomes aware, either through their own investigation or as a result of information received from any source, that a Dog has Bitten or Attacked a Person or Dog Without Provocation, the Officer may issue an Order to Restrain to the Owner and require the Owner to comply with the requirements set out in Sections 3.39 and 3.40 of this By-law within the time stipulated in said Order to Restrain, and the Dog shall thereafter be deemed to be a dangerous Dog.
- 3.38 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 the dangerous Dog wears a Muzzle and ensure that:
- (a) the Dog is securely Tethered in accordance with Section 2.5 and 2.6 of this By-law; and

- (b) the Dog is contained within an area enclosed by a 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 any other Person or Dog; and
- 3.39 Every Owner of a dangerous Dog shall, at all times while the Dog is not within the boundaries of the Owner's Premises, keep the Dog:
- (a) Muzzled;
 - (b) under the control of a competent Person capable of handling the Dog who is eighteen (18) years of age or older; and
 - (c) on a Leash that does not exceed one (1) metre in length.
- 3.40 Every Owner of a dangerous Dog shall immediately notify the Town of the following:
- (a) Any change in Ownership or residence of the dangerous Dog and provide the name, current address and telephone number of the new Owner or residence;
 - (b) if the Dog runs at large, attacks or bites any Person or Dog; or
 - (c) if the Dog dies.
- 3.41 An Officer shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with Sections 3.39 and 3.40 of this By-law.
- 3.42 A request by the Owner for a hearing under this section shall be made in writing and delivered to the Clerk within fifteen (15) days of the Owner receiving the Order to Restrain.
- 3.43 The Owner of a Dog to which an Order to Restrain has been issued, upon payment of a hearing fee as set out in Schedule "A", as may be amended by Council from time to time, may request and is entitled to a hearing by the Appeals Committee, which may exempt the Owner from the muzzling or leashing requirement or both.
- (a) Upon determination of the hearing date the Clerk shall give notice in writing to the Owner that:
 - i. includes a statement of the time, date, place and purpose of the hearing, and;
 - ii. includes a statement that if the Owner of the dog does not attend the hearing, the Appeals Committee may proceed in the absence of the Owner and the Owner will not be entitled to any further notice.

- (b) The notice of hearing referred to in this section may be given by delivering it personally or sending it by prepaid registered mail to the Owner at the Owner's last known address on file with the Town. When service is made by registered mail, the service shall be deemed to be made on the seventh (7th) day after the day of mailing, unless the person on whom service is being made established that they did not, acting in good faith, through absence, accident, illness or other cause beyond their control receive the written notice until a later date.
- (c) The Appeals Committee shall hold a hearing pursuant to the provisions of the *Statutory Powers and Procedures Act* at the time, date and place set out in the notice referred to in this section and the committee may:
 - i. exempt the owner from muzzling and/or leashing requirements,
 - ii. confirm muzzling and/or leashing requirements,
 - iii. vary muzzling and/or leashing requirements and other requirements of the Order to Restrain, or
 - iv. combine any exemption confirmation or variance as it sees fit.
- (d) The decision of the Appeals Committee shall be final and binding.
- (e) An application made by the Owner for a hearing under this section does not act as a stay of the Order to Restrain which shall take effect on the day it is served or deemed served and shall continue to be effective until the committee renders a decision indicating otherwise.

STOOP AND SCOOP

3.44 Every Owner of a Dog shall immediately remove any feces left by the Dog in any place other than the Premises of the Owner and dispose of it in a proper waste receptacle.

3.45 Section 3.44 of this By-law shall not apply to:

- i. 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;
- ii. a blind or visually impaired handler of a Service Dog if the feces were left while the Dog was off the Premises of the handler and carrying out its duties; or
- iii. a police working Dog while they are carrying out their duties.

NUMBER OF DOGS RESTRICTED

- 3.46 No Person shall keep or permit to be kept more than three (3) dogs within or about any dwelling unit in the Town, regardless of whether that person is the owner of the dogs, unless:
- (a) the Premises is registered as a Kennel in accordance with the provisions of this By-law;
 - (b) the Premises is a Pet Shop;
 - (c) the Premises is used by the OSPCA;
 - (d) the Premises is used as the Pound;
 - (e) 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.
- 3.47 Despite Section 3.46 of this By-law, any person who moves to the Town of Greater Napanee from another municipality and has more than three (3) dogs, or any person who has currently licenced dogs and combines households with another person who has currently licenced dogs and therefore has more than three (3) dogs on one Premise, may continue to keep those dogs until the dogs are no longer in the Owner's possession, subject to the owner(s) providing proof of a current valid licence for the dogs from the Town of Greater Napanee or the previous municipality they lived in, and subject to the owner(s) providing proof that all the dogs have been spayed/neutered and vaccinated.
- 3.48 Despite Section 3.46 of this By-law, Owners of Prime Agricultural (PA) property as defined in the Town of Greater Napanee Zoning By-law consisting of five (5) acres or more with livestock, fowl or swine shall be allowed up to five (5) Working Farm Dogs without being required to pay a kennel licence fee. Such dogs shall still be registered annually. A Farm Business Registration Number must be provided to allow for the exemption from the kennel licence fee.
- 3.49 Service Dog Owners are not exempt from being required to obtain a Kennel licence if their dog count is more than the maximum of three (3) including their Service Dog(s). The Kennel licence fee shall be waived if a person's Service Dog(s) result in their dog count being more than the maximum of three (3) dogs.
- 3.50 The onus of proving the exemption provided for in Section 3.47 and 3.48 shall be upon the Person seeking the exemption.

- 3.51 The exemption provided for in Section 3.47 and 3.48 of this By-law shall be for the life of the Dogs.

PART 4 - ADMINISTRATION

ENFORCEMENT

- 4.1 Unless otherwise provided for herein, all provisions of this By-law shall be enforced by an Officer as defined in this By-law.
- 4.2 An Officer may issue a direction or order requiring that a Person comply with the provisions of this By-law.
- 4.3 An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether:
- (a) the provisions of this By-law are being complied with; or
 - (b) a direction or order under this By-law is being complied with.
- 4.4 No Person shall hinder or obstruct any Officer, or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-law.

OFFENCES AND PENALTIES

- 4.5 Any person who contravenes any provision of this By-Law or whose Dog contravened any provision of this by-law is guilty of an offence and, upon conviction, is liable on a first conviction to a fine of not more than \$5,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 pursuant to the Municipal Act, 2001, S.O. 2001, C.25, as amended.
- 4.6 Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.

INTERPRETATION

- 4.7 Where a Court of competent jurisdiction declares any Section or part of a Section of this By-law invalid, the remainder of this By-law shall continue in force and effect unless the Court makes an order to the contrary.
- 4.8 For the purposes of this By-law, unless the context requires otherwise:
- (a) words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and vice versa; and

(b) where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

4.9 The set fines in Schedule "B" attached hereto, as may be approved or modified by an Order of the Chief Judge of the Ontario Court of Justice (Provincial Division) pursuant to the provisions of the *Provincial Offences Act* and the rules of the Ontario Court of Justice, shall come into force and take effect upon approval or modification by the said Chief Judge.

4.10 The schedules attached hereto shall form part of this By-law.

ENACTMENT


4.11 That Town of Greater Napanee By-law No. 2015-0067, as amended, is hereby repealed.

4.12 This By-law shall come into force and take effect on the date an order is made approving set fines for this by-law.

SHORT TITLE

4.13 This By-law may be referred to as the "Dog Control By-law".

Read a first and second time and finally passed this 24th day of September, 2024.



Terry Richardson, Mayor



Jessica Walters, Clerk



Schedule "A" To By-Law No. 2024-0055

Fees and Charges

Item	Description	Fee
1.	Dog Registration (Intact or Altered)	\$20.00
2.	Replacement of Lost/Damaged/Destroyed Dog Tag	\$5.00/tag
3.	Dog Registration for Service Dog (Proof Required)	No charge for tag
4.	Commission for each third party sale of a Dog Tag – Outlet	\$2.00/tag
5.	Discounted Dog Kennel Registration (before March 1 st or the establishment of a new kennel after March 1 st *Includes Dog tag fee for dogs owned by Kennel owner/operator (4 – 10 dogs) (11 – 25 dogs) (26 or more dogs)	\$125.00 \$200.00 \$400.00
6.	Regular Dog Kennel Registration (on or after March 1 st) *Includes Dog tag fee for dogs owned by Kennel owner/operator (4 – 10 dogs) (11 – 25 dogs) (26 or more dogs)	\$250.00 \$400.00 \$800.00
7.	Redemption Fee	\$75.00
8.	Daily board rate (for dogs impounded)	\$25.00
9.	Appeal to Council of a Dog Kennel Registration Refusal/Revocation	\$125.00
10.	Appeal to Council of an Order to Restrain	\$125.00

TOWN OF GREATER NAPANEE
**Schedule "B" to By-law 2024-0055: Being a By-law to Provide for the Licencing,
Registration, and Regulation of the Keeping and Controlling of Dogs**

Set Fines for Infractions under Part I, Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Failing to register a Dog with the Town	S. 3.1(a)	\$100.00
2.	Failing to renew a Dog registration with the Town	S. 3.1(b)	\$100.00
3.	Failing to display a Dog identification tag on collar affixed to the Dog	S. 3.1(c)	\$50.00
4.	Failing to obtain a replacement Dog identification tag	S. 3.1(d)	\$50.00
5.	Failing to provide rabies vaccination certificate upon request	S. 3.1(e)	\$50.00
6.	Failing to provide proof of a sprayed/neutered dog upon request	S. 3.1(f)	\$50.00
7.	Failing to notify the Town within seven (7) days of the (sale/death/change of ownership) of a Dog	S. 3.3	\$50.00
8.	Improper use of a Dog tag – use of tag on a Dog other than one for which tag was issued.	S. 3.5	\$50.00
9.	Providing false information respecting a Dog (Dog registration/renewal of Dog registration)	S. 3.6	\$100.00
10.	Operate Kennel where escape is not prevented	S. 3.8(c)	\$100.00
11.	Operate a Kennel without licence	S. 3.8(d)	\$200.00
12.	Failing to renew Kennel registration with the Town	S. 3.8(e)	\$200.00
13.	Owner of a Kennel permit more than the maximum registered Dogs to be kept.	S. 3.12	\$200.00
14.	Failing to permit an Officer to inspect Kennel Premises	S. 3.13	\$250.00
15.	Permitting a Dog to run at large	S. 3.23	\$150.00
16.	Failing to control a Dog with leash	S. 3.24	\$100.00
17.	Failing to turn over a found Dog to the Pound	S. 3.28	\$75.00
18.	Failing to turn over a found Dog to its Owner	S. 3.28	\$75.00
19.	Failing to muzzle a dangerous Dog on Owner's Premises	S. 3.38	\$250.00
20.	Failing to securely Tether a dangerous Dog	S. 3.38(a)	\$350.00
21.	Failing to properly confine a dangerous Dog with an appropriate fence	S. 3.38(b)	\$350.00
22.	Failing to muzzle a dangerous Dog when off Owner's premises	S. 3.39(a)	\$350.00
23.	Failing to keep a dangerous Dog under control of a competent Person when off owner's premises	S. 3.39(b)	\$350.00
24.	Using leash of more than one (1) metre on dangerous Dog	S. 3.39(c)	\$250.00
25.	Failing to notify Town of change in (ownership/residence) of a dangerous Dog,	S. 3.40(a)	\$100.00

W.V.C., R.S.G.

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
26.	Failing to provide Town with current information for a new Owner of a dangerous Dog	S. 3.40(a)	\$100.00
27.	Failing to notify the Town of a dangerous Dog (running at large/attacking a person/biting a person)	S. 3.40(b)	\$350.00
28.	Failing to notify the Town of a dangerous Dog (attacking a Dog/biting a Dog)	S. 3.40(b)	\$350.00
29.	Failing to notify the Town of the death of a dangerous Dog	S. 3.40(c)	\$100.00
30.	Failing to immediately remove Dog feces	S. 3.44	\$100.00
31.	Failing to dispose of Dog feces in a proper waste receptacle	S. 3.44	\$100.00
32.	Keeping more than the permitted number of dogs	S. 3.46	\$150.00
33.	Obstructing an Officer in the execution of their duties	S. 4.4	\$250.00

NOTE: The general offence and penalty provisions for the offences listed above are in Section 4.5 of By-law No. 2024-0055 and Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33.

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: October 11, 2024

Electronic Signature:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

Schedule "C" to By-law No. 2024-0055

Standards for Breeding and Commercial Kennels

All Breeding and Commercial Kennels operated in the Town shall maintain Dogs in a clean, secure, and humane manner and every Owner and operator of a Breeding or Commercial Kennel shall ensure the Kennel complies with the following standards:

1. Dog cages and dog houses 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 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 effects 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 persons 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 may 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 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 hours in every twenty-four-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 is, in every day, on the premises on which the Kennel is located, an adequate number of persons 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) It is not likely to harm any Dog therein;
 - c) Any Dog therein cannot readily escape therefrom;
 - 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 forthwith be removed.
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:
 - v. That the Dog is receiving water; and
 - vi. 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 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 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 October 1st 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) Forthwith removed 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, forthwith disposed of.
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 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 times daily.

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520

October 11, 2024

skennelly@greaternapanee.com

Greater Napanee
Executive Services
99-A Advance Avenue
Napanee ON K7R 3Y5

Attention: Shannon Kennelly, Legal Services Coordinator

Dear Shannon Kennelly:

**Re: *Set Fines – Provincial Offences Act – Part I*
*By-Law No. 2024-0055: Dog Control***

Enclosed herewith is the original Order (Part I) dated October 11, 2024, and original schedule of set fines for By-Law No.2024-0055, the By-Law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Town of Greater Napanee.

Yours truly,

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

/nl

Enclosures

c.c.: Melissa Adams
Crown Counsel, Crown Law Office - Criminal
Municipal Set Fines

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2024-0055, of the Town of Greater Napanee attached hereto is the set fine for that offence. This Order is to take effect on October 11, 2024.

Dated at Ottawa, this 11th day of October 2024.

Electronic Signature:

A handwritten signature in cursive script that reads "W. Vincent Clifford".

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region