

**CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

**BY-LAW 2007-52**

**“A BY-LAW TO REGULATE THE KEEPING OF ANIMALS  
IN THE TOWNSHIP OF EDWARDSBURGH/CARDINAL.”**

**WHEREAS** the Municipal Act 2001, SO 2001, c. 25, Section 103, authorizes the municipality to pass by-laws providing for the seizure and impounding of dogs;

**AND WHEREAS** the Municipal Act 2001, SO 2001, c. 25, Section 150 authorizes the municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

**AND WHEREAS** the Council of the Corporation of the Township of Edwardsburgh/Cardinal deems it desirable to enact a by-law respecting the management, protection and identification of dogs and for prohibiting the keeping of animals or any class thereof;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. For the purposes of this by-law, the following definitions shall apply:
  - a) “Animal” means any class of animals including cats, dogs, reptiles, birds, arachnids, fish or insects.
  - b) “Attack” means any act or action involving physical contact between a dog and a person or other animal, which results or could potentially result in physical injury from the dog;
  - c) “Building” means any structure consisting of walls, floor and a roof or any part or combination thereof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods or materials, or a structural system serving a function thereof.  
“Structure” and “building” shall have a corresponding meaning.
  - d) “Cat” means a member of any breed of domesticated feline or cross breed of domesticated feline, male or female.
  - e) “Clerk” means the Clerk of the Corporation or his/her appointee.
  - f) “Control” means having at all times, the ability to manage, direct, restrict, and restrain the movements of a dog.
  - g) “Corporation” means the Corporation of the Township of Edwardsburgh/Cardinal.
  - h) “Disabled Person” shall mean a person who is blind, deaf or has any degree of permanent physical disability that requires the physical reliance on a wheelchair, crutches, braces, canes or other remedial appliance or device.
  - i) “Dog” means any dog or dogs, male or female.
  - j) “Domestic Animal” shall mean a cat or dog.

- k) "Domestic Fowl" means and includes chickens, geese, ducks, turkeys, and other such poultry and the young of any of them and also includes game birds as defined in the Fish & Wildlife Conservation Act, 1997, as amended.
- l) "Fence" means any barrier or barricade that encompasses either in whole or in part any lot or tract of land and includes any gate or entrance attached to and forming part of a fence, but does not include a wall.
- m) "Fenced Yard" means a yard which is completely enclosed by a fence constructed in accordance with the specifications set out in Schedule "A" to this By-law, provided that walls of a continuously occupied building are considered as portions of the required fence, and provided that all doors providing access to the fenced yard are locked when a vicious dog is inside the fenced yard.
- n) "Feral cat" means the wild offspring of domestic cats. They are elusive and do not trust humans.
- o) "Future Guide Dog Puppy" shall include any dog under the age of fourteen months that is undergoing the preliminary training required to be a "Guide Dog".
- p) "Gate" means a swinging or sliding barrier used to fill or close an access and includes a door.
- q) "Guide Dog" means a dog trained as a guide dog for a blind or visually impaired person and having the qualifications prescribed by the regulations under the Blind Persons' Rights Act, RSO 1990, Chapter B.7 and shall also include a dog trained as a guide dog for other physically disabled persons.
- r) "His" or other words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males and vice versa.
- s) "Injured" in respect of livestock or poultry means injured by wounding, worrying or pursuing and "injuring" has a corresponding meaning.
- t) "Kennel" means a building or structure where animals are boarded, bred, trained, given medical treatment or housed for similar purposes for which compensation is paid. A kennel shall include, but is not restricted to, a pound, a kennel for the keeping of hunting dogs, a Humane Society shelter or a breeding kennel registered with the Canadian Kennel Club. Notwithstanding, a kennel does not include a municipal pound that has been designated by the Township of Edwardsburgh/Cardinal for use by an appointed Municipal Law Enforcement Officer.
- u) "Leash" shall mean a restraining device of sufficient strength and material for leading a dog.
- v) "Medical Officer of Health" means the Chief Medical Officer of Health for the Leeds and Grenville County Health Department or his/her appointee.

- w) "Municipality" means the Corporation of the Township of Edwardsburgh/Cardinal.
- x) "Municipal Law Enforcement Officer" means the By-law Enforcement Officer, Animal Control Officer or Special Enforcement Officer of the Corporation of the Township of Edwardsburgh/Cardinal or any police officer, constable or special constable.
- y) "Muzzled" means to have securely affixed around the snout or mouth and nose of a dog a device commonly known as a muzzle, manufactured by a recognized manufacturer of muzzles for dogs such that the dog, when muzzled, will be prevented from biting a person or animal.
- z) "Other pet" means any snake, iguanidaie, domestic ferret, or rabbit or any other animal deemed necessary for licensing by the Municipal Law Enforcement Officer.
- aa) "Owner" includes any person who owns, possesses, harbours or has the care and control of a dog and where the owner is a minor, the person responsible for the custody of the minor. "Owns" and "owned" have corresponding meaning.
- bb) "Pet Shop" shall mean a shop or place where animals or birds for use as pets are sold and kept for sale.
- cc) "Pound" shall mean any facility under contract with the Township of Edwardsburgh/Cardinal.
- dd) "Person" includes 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.
- ee) "Released Age" means that age when an animal is able to fend on its own, provided however that such age shall be deemed to be reached two (2) months after birth.
- ff) "Restrained" means being kept inside a building or house or in an enclosed pen of sufficient dimensions and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.
- gg) "Running at large" means that a dog or cat shall be deemed to be running at large when found in any place other than the property or premises of the owner of the dog or cat, not under the control of any person, or not kept in accordance with the provisions of this by-law.
- hh) "Sanitize" means to clean for the purpose of controlling disease producing organisms and "sanitized" has a corresponding meaning.
- ii) "Vicious dog" means;
  - 1) any dog with a known propensity, tendency or disposition to attack without provocation any other domestic animals or persons; or

- 2) any dog which has bitten another domestic animal or person without provocation on public or private property; or
  - 3) any dog which has been previously determined by the Municipality, or any other jurisdiction, to be "vicious" as herein described.
- jj) "Wild Animal" means an animal of a wild nature or disposition (ferae natural) but shall not include the domestic ferret.

### CATS

2. No owner of a cat shall allow such cat to cause damage or otherwise create a disturbance to another person or person's property.
  - a) No owner of a cat shall allow the cat to run at large within the limits of the Township of Edwardsburgh/Cardinal.
  - b) For the purposes of this by-law, a cat shall be deemed to be running at large when found unsupervised in any place other than the premises of the owner of the cat and not under the control of any person.
3. Where a person makes a complaint to the Corporation that a cat is causing or has caused damage to the said person or person's property, or is creating or has created a disturbance, a Municipal Law Enforcement Officer may seize and cause such cat to be delivered to the pound for impounding. This provision does not extend to feral cats.

### RUNNING AT LARGE

4.
  - a) No owner of a dog shall allow the dog to run at large within the limits of the Township of Edwardsburgh/Cardinal.
  - b) For the purposes of this by-law, a dog shall be deemed to be running at large when found unsupervised in any place other than the premises of the owner of the dog and not under the control of any person.
  - c) For the purposes of this by-law a dog is deemed to be running at large when it is found unleashed in public parks where a sign is displayed regulating dogs.
  - d) For the purposes of this by-law, hunting dogs while engaged in the legal pursuit of game, duly licensed by the municipality, identified as to ownership by presence of a tag or tags, and under the care and control of hunters are not to be considered to be running at large. Owners of hunting dogs are responsible to obtain permission from land owners before casting the dogs on said lands.
5. Any Municipal Law Enforcement Officer having jurisdiction in this Municipality may seize any dog running at large; and
  - a) cause the dog to be taken to an impound facility; or
  - b) if the dog can be identified, restore possession of the dog to the owner thereof, should the Municipal Law Enforcement Officer deem it reasonable to do so and upon payment of the release fee set forth in Schedule "A" attached hereto to the Corporation or its authorized agents.

- c) Notwithstanding b) above, if the dog has been seized a third time, it will be taken directly to an impound facility.
6. A Municipal Law Enforcement Officer, or any person acting under such Officer's direction, notwithstanding anything anywhere else in this By-law, may order any dog to be destroyed on sight, by any humane means where:
    - a) the Municipal Law Enforcement Officer reasonably believes the dog is likely to cause imminent harm to any person or animal; or
    - b) the dog is deemed to be a vicious dog or where the dog is deemed to present a hazard to public health or safety, and is found to be running at large in any area of the Township; or
    - c) the dog is injured or ill and should be destroyed without delay for public safety or humane reasons.
  7. Nothing in this By-law shall be construed to restrict the operation of the provisions of the Livestock, Poultry and Honey Bee Protection Act RSO 1990, Chapter L24, Section 8.
  8. No owner of a dog shall permit or allow it to trespass on any private property.
  9. Any dog seized pursuant to Section 4 may be taken to a designated pound to be held in accordance with the rules and regulations of the designated pound that may be in effect from time to time.
  10. Possession of a dog impounded pursuant to Section 4 may be restored to the owner if the owner claims possession of the dog prior to it being either sold or disposed of in accordance with the rules and regulations of the designated pound, upon payment of the maintenance fees imposed by that pound.
  11. If the dog does not have a valid license, the owner shall be required to pay, in addition to the release fee, the license fee set out in Schedule A to By-law 2007-52\_.
  12. If the Owner fails to claim the dog within the time limit set by the rules and regulations governing the designated pound, the dog may be sold or disposed of by the pound in accordance with its rules and regulations.

#### VICIOUS DOGS

13. The owner of a vicious dog shall at all times, when the dog is not confined in the owner's dwelling or other building, but otherwise within the boundaries of the owner's lands, secure the dog in one of the following manners so as to prevent the dog from escaping from the owner's lands and to prevent the dog from causing injury to any person or animal entering onto the owner's lands:
  - a) the dog shall be located wholly within a fenced yard constructed in accordance with Schedule "C", and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard; or
  - b) the dog shall be located within an enclosed run designated in such a fashion and with such material that will prevent the dog from digging its way out or otherwise escaping from the enclosed run and, not to restrict the generality of the foregoing, having sides and top constructed of chainlink fencing as set out in Schedule "C" to this By-law and a solid base securely attached to the sides; or

- c) the dog shall be muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog by means of a leash or chain not exceeding 2.4 meters in length.
- 14. The owner of a vicious dog shall at all times, when the dog is outside the boundaries of the owner's lands, keep the dog muzzled so as to prevent it from biting a person or animal and securely leashed to the owner of the dog.
- 15. The owner of a vicious dog may request from the Municipal Law Enforcement Officer that the owner be exempt from complying with some of the provisions of Section 13 & 14. (Municipal Act, Section 105).
- 16. No person may keep a vicious dog in a kennel, except in accordance with the provisions of this By-law.
- 17. No owner shall fail to take all reasonable steps to prevent his dog from attacking any person, domestic animal or domestic bird or to fight with another dog.
- 18. No owner of a dog that has been declared to be vicious by the Township or by any other jurisdiction, shall fail to inform the licensing officer that the dog has been declared to be vicious, at the time of obtaining a license for the dog.
- 19. Immediately upon the transfer of a vicious dog from one owner to another, the owners shall notify the Municipal Law Enforcement Officer of the Township.
- 20. No owner of a vicious dog shall fail to post a sign in a conspicuous place on his property stating that there is a vicious dog on the premises.

#### STOOP AND SCOOP

- 21. Every person who owns a domestic animal shall clean up and dispose of any excrement left by the domestic animal on any property, whether public or private, in the Township of Edwardsburgh/Cardinal.
- 22. Section 21 does not apply to any person who is visually impaired and whose dog is a Guide Dog.

#### LIMITATION ON THE NUMBER OF ANIMALS

- 23. No person shall keep more than three dogs or three cats in or about any dwelling unit located within the Township of Edwardsburgh/Cardinal.
- 24. Notwithstanding Section 23, puppies that have not been weaned and are under the age of twenty weeks shall not be counted in determining the number of animals on a premises.
- 25.
  - a) Section 23 shall not apply so as to prevent a person from keeping more than three dogs, if such animals were owned and kept as pets prior to August 1, 2002.
  - b) The burden of proving the exemption from Section 23 is upon the person making the assertion.

### NOISE

26. No person shall keep, own or harbour animals which make or cause noises or sounds that disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort:
- a) of the neighbourhood; or
  - b) of persons who inhabit any dwelling, apartment or other type of residence in the vicinity; or
  - c) of persons in the vicinity.

### IDENTIFICATION

27. No person shall keep a dog in the Township of Edwardsburgh/Cardinal who has not obtained a license in respect thereof and who has not registered the dog under the provisions of this By-law.
28. Upon application made in accordance with the provisions of the By-law, every application for a dog license shall furnish the Clerk with the name, address and telephone number of the dog owner.
29. The Clerk shall have charge of the granting of licenses and it shall be his/her duty to keep a complete register of all dogs in respect of which licenses are issued and to furnish each licensee with a numbered metal tag to be securely fixed to each dog in respect of which the license is issued.
30. Each license shall be in force for one year and shall expire in each year on December 31<sup>st</sup>.
31. The license fee for each dog required to be licensed hereunder shall be the amount set forth in Schedule "A" attached hereto and shall be remitted to the Corporation or its agent.
32. There shall be no license fee required from the owner or person in possession of a Guide Dog or future Guide Dog Puppy.
33. The license fee referred to in Section 31 shall not be reduced or pro-rated.

### KEEPING OF OTHER ANIMALS

34. No animals other than domestic animals shall be kept within any residential or mixed residential/commercial zone as defined under the Township's Comprehensive Zoning By-law.
35. No person shall keep, or cause to be kept in any area of the municipality other than those referred to in Section 34:
- a) any wild animal unless such animal is under releasable age, injured and unable to fend for itself and the facilities for keeping the animal are such that there is no danger or nuisance to people and to other animals; and
  - b) any animal as listed in Schedule "B" attached to this By-law except 14 and 18; and

- c) any snake, reptile, insect, spider, guinea pig, or white rat, not otherwise prohibited by this By-law unless they are housed in an escape-proof enclosure.
36. Notwithstanding the provisions of this By-law, written permission from the Local School Board and the Corporation of the Township of Edwardsburgh/Cardinal may be granted for the temporary keeping of prohibited animals where required as part of a school project.
37. a) Any person who has owned and kept an animal, listed in Schedule "B" as a pet, within the area to which this By-law applies prior to June 17, 2002, may continue to keep such animal until ninety (90) days after the date of service of an Order issued by the Municipal Law Enforcement Officer to the owner of such animal, setting out the requirement that the animal be removed within ninety (90) days.
- b) No person who has been served with an Order pursuant to Subsection (a) above shall continue to keep an animal listed in Schedule "B" after the ninety (90) day notice period.
- c) The burden of proving ownership prior to the passing of this By-law as set out in Subsection (a) of this Section is upon the person making the assertion.

#### KENNELS

38. No person shall own or operate a kennel within the Township of Edwardsburgh/Cardinal without first obtaining a license from the Corporation to do so, which license shall be called a Kennel License, and paying the license fee required for kennels as set out in Schedule "A" to this By-law.
- a) No such license is required for the owner or operator of a kennel if the owner raises only one litter per year.
  - b) The owner or operator of a kennel shall provide the municipality with a list of dogs permanently housed at the kennel facility by January 31<sup>st</sup> of each year.
  - c) No person licensed as the owner or operator of a kennel shall be liable to pay in respect of such domestic animals any other license fee unless such animals are permanently housed at the kennel facility, in which case replacement tag fees as outlined in Schedule "A" attached shall apply.
  - c) The kennel building shall conform to the Ontario Building Code and be maintained in such a manner as to be safe.
  - d) No person shall establish a kennel within the limits of any zone except in accordance with the Corporation's applicable zoning by-laws.
  - e) No kennel shall be allowed to house more than 15 dogs, excluding dogs under the age of six months.
  - f) The number of dogs permitted over the number specified in (e) shall be determined at the discretion of Township Council subject to site plan approval.

- g) Each kennel must be located on a minimum of 5 hectares (12.3 acres).
39. All fencing and runs for kennels shall be built in accordance with Schedule "D".
40. All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the standards as set out in Schedule "E" attached hereto and forming part of this By-law.
41. Any person, when applying for a license under the provisions of Section 38, shall satisfy the Municipal Law Enforcement Officer that the kennel or proposed kennel complies with the provisions of this By-law and other applicable by-laws, and such person shall furnish the Municipal Law Enforcement Officer with all the information he may reasonably require and permit him to examine the premises where the kennel is located or is to be located in order for him to satisfy himself that the kennel complies with the provisions of this By-law.
42. a) Where, in the opinion of the Municipal Law Enforcement Officer, any kennel does not comply with the provisions of this By-law or where it creates or is likely to create a public health nuisance or unsanitary conditions, he shall require the owner of the kennel to abate the nuisance or rectify the conditions within a reasonable period of time after notice in writing to the owner.
- b) If the owner fails to abate the nuisance or rectify the conditions specified by the Municipal Law Enforcement Officer, he shall be deemed to be contravening the provisions of this by-law.
43. Any kennel license may be suspended pending compliance, or revoked for noncompliance, by the Municipal Law Enforcement Officer if, in his opinion, the kennel does not comply with the provisions of this By-law.
44. Any kennel license may be revoked if the owner or operator is convicted of or pleads guilty to violation of the provisions of this by-law or of the Fish and Wildlife Conservation Act, 1997, SO 1997, c. 41, Section 25.
45. Application for each kennel license shall be made by March 31<sup>st</sup> of each year.

#### PET SHOP LICENSE

46. No person shall carry on the trade or business of a pet shop within the Township of Edwardsburgh/Cardinal without having first obtained a license from the Corporation to do so, which license shall be called a Pet Shop License, and paying the license fee required for pet shops as set out in Schedule "A" to this By-law.
47. Pet shops shall generally conform to the standards established for Kennel Operations as outlined in Schedule "E" attached hereto.

#### PENALTIES

48. Any person who contravenes any of the provisions of this By-law is guilty of an offence under the Provincial Offences Act and upon conviction is liable to a fine of not more than \$5,000.00 pursuant to the Provincial Offences Act, RSO 1990, Chapter P-331.

49. Any pet shop license or kennel license may be suspended or revoked by Council if the licensee does not comply with the provisions of Section 38 or 47.
50. A Municipal Law Enforcement Officer of the Township of Edwardsburgh/Cardinal and the Ontario Provincial Police are authorized to enforce the provisions of this By-law.
51. Upon registering a conviction for a contravention of any provision of this By-law, the court in which the conviction has been entered, may in addition to any other remedy and to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the person convicted, pursuant to Section 442 of the Municipal Act 2001, SO 2001 as amended.

OTHER

52. Where a provision of this By-law conflicts with a provision of another by-law enforced in the Township of Edwardsburgh/Cardinal, the provisions that established the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
53. Effective on the date of passing, **By-law 2007-26** as amended of the Township of Edwardsburgh/Cardinal is hereby repealed.
54. It is the declared intention of the Council of the Corporation of the Township of Edwardsburgh/Cardinal that any section or part of this By-law which may subsequently be held to be illegal shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.
55. This By-law shall be referred to as the "Animal Control By-law".
56. Schedules "A", "B", "C", "D", "E" and "F" shall constitute part of this By-law.
57. This By-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 5<sup>th</sup> day of November, 2007.

Read a third and final time, passed, signed and sealed in open Council this 5<sup>th</sup> day of November, 2007.

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Mayor

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Clerk

**SCHEDULE "A"**  
**TO BY-LAW 2007-52**  
**RELATING TO FEES**

Description	Fee	Expiry
<b><u>DOG LICENSE FEES</u></b>		
1 <sup>st</sup> Dog	\$15.00	December 31 <sup>st</sup>
2 <sup>nd</sup> Dog	\$25.00	December 31 <sup>st</sup>
3 <sup>rd</sup> Dog	\$25.00	December 31 <sup>st</sup>
<b>Spayed or neutered dog</b>		
1 <sup>st</sup> Dog	<b>\$10.00</b>	<b>December 31<sup>st</sup></b>
2 <sup>nd</sup> Dog	<b>\$25.00</b>	<b>December 31<sup>st</sup></b>
3 <sup>rd</sup> Dog	<b>\$25.00</b>	<b>December 31<sup>st</sup></b>
Guide Dog	No Charge	December 31 <sup>st</sup>
Replacement Tag	\$2.00	December 31 <sup>st</sup>
<b><u>RELEASE FEES</u></b>		
First Time	\$25.00	N/A
Second Time	\$50.00	N/A
Third Time	\$100.00	N/A
Subsequent Release Fee	\$200.00	N/A
<b><u>BUSINESS LICENSING</u></b>		
Pet Shop License	\$100.00	December 31 <sup>st</sup>
Kennel License		
Hobby & Purebred	\$50.00	December 31 <sup>st</sup>
Commercial per year		
20 runs	\$100.00	December 31 <sup>st</sup>
each additional run	\$5.00	

## **SCHEDULE "B"**

### **TO BY-LAW 2007-52**

#### **LIST OF ANIMALS PROHIBITED IN ANY RESIDENTIAL OR RESIDENTIAL/COMMERCIAL ZONE**

1. All Marsupials (such as kangaroos and opossums)
2. All non-human Primates (such as gorillas and monkeys)
3. All Felids, except the domestic cat
4. All Canids, including Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any dog of mixed breeding which includes any of the aforementioned breeds but excluding domestic dogs not listed herein.
5. All Viverrids (such as mongooses, civets and genets)
6. All Ursids (bears)
7. All Hyaenas
8. All Perissodactylus Ungulates (such as the domestic horse and ass, antelopes, wild boars, gazelle, zebra)
9. All Elephants
10. All Pinnipeds (such as seals, fur seals and walruses)
11. Specific snakes of the families Pythonidae and Boidae, namely: African Rock Python, Burmese Python, Reticulate Python, Green Anaconda and Yellow Anaconda.
12. All venomous reptiles, (vipers, rattlers, cotton mouths, copper heads, cobras)
13. All potentially dangerous spiders (Black Widow, etc.)
14. All Ratite birds (such as ostriches, rheas, cassowaries, emus)
15. All diurnal and nocturnal Raptors (such as eagles, hawks and owls)
16. All Edentates (such as anteaters, sloths and armadillos)
17. All Crocodylians (such as alligators and crocodiles)
18. Pigeons
19. Endangered species as identified in the Endangered Species Act as amended or its regulations.

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

## **SCHEDULE "C"**

### **TO BY-LAW 2007-52**

#### **FENCE REQUIREMENTS FOR VICIOUS DOG**

1. Fences shall be a minimum of 1.5 meters in height and installed such that no gap greater than 150 mm exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing to gain access to the fenced area and that will prevent a vicious dog from digging its way out of or otherwise escaping from the enclosed yard. If a fence contains an opening for access, the opening shall be closed with a gate that shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices and locks located at the top of and inside the gates.
2. A fence shall:
  - a) if of chainlink construction:
    - 1) be of not greater than 50 mm diamond mesh;
    - 2) be constructed of galvanized steel wire no less than 3.6 mm diameter (No. 9 gauge), or of minimum 2.9 mm diameter (No. 11 gauge) steel wire covered with a vinyl coating forming a total thickness equivalent to 3.6 mm diameter (No. 9 gauge); and
    - 3) be supported by at least 38 mm diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 3 metres apart. Top horizontal rails should be at least 32 mm diameter galvanized steel. Bottom horizontal rails should be a 12 mm diameter galvanized tension rail or 32 mm diameter galvanized rail.
  - b) if of wood construction:
    - 1) be of alternating vertical boards attached to supporting horizontal members. Such vertical boards shall have a minimum dimension of 19 x 88 mm. (1 x 4 inches nominal) and spaced at a maximum of 100 mm.
    - 2) supporting horizontal members shall have a minimum dimension of 28 x 88 mm (2 x 4 inches nominal) and shall be spaced a minimum of 1.4 metres apart; and
    - 3) horizontal members shall be supported by posts spaced not more than 2.4 metres on centre. Such posts shall be 88 mm (4 inches nominal) square or in diameter and securely placed to a minimum of 0.6 metres below grade. That portion below grade shall be treated with a wood preservative or the post shall be of pressure treated wood.
  - c) if the fence design is other than specified in (a) or (b) either in material or otherwise, such fence shall require approval by the Municipal Law Enforcement Officer.

## SCHEDULE "D"

### TO BY-LAW 2007-52

#### REQUIRED KENNEL FENCE

1. A fence or its equivalent which is to form a kennel enclosure of part thereof shall be of:
  - a) chain link construction,
  - b) vertical board construction.
2. A fence of chain link construction, six feet (6') (1.8m) high shall:
  - a) have a mesh not greater than 2" consisting of 12 gauge galvanized steel wire, or a 14 gauge steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 12 gauge steel wire;
  - b) be supported by a minimum of ½ " galvanized steel posts, spaced not more than ten feet (10 ft.) (3.048m) apart. Such posts must extend at least three feet (0.91m) below grade or to bedrock and be encased in concrete at least two inches (2") (50.8mm) thick all around;
  - c) where a kennel run fence is constructed of chain link panels, the panels must rest on a suitable flooring of either a concrete slab, patio stones, or equivalent;
  - d) have a top and bottom rails firmly fastened to the upright posts, made up of a minimum of 1-1/4" galvanized steel pipe. NOTE: Galvanized steel tension wire, 9 gauge may be substituted for the bottom rail.
3. A fence of wood construction six feet (6 ft.) (1.8m) high shall:
  - a) have vertical boarding one inch (1") (25.4mm) thick nominal, attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such vertical boards must not be less than 1" x 4" (25.4mm x 101.6mm) nominal and must be spaced not more than 4" (101.6mm) apart;
  - b) be supported by cedar posts at least 4" x 4" (101.6mm x 101.6mm) nominal, spaced not more than eight feet (8') (2.4m) apart. Such posts shall extend at least three feet (3 ft.) (0.91m) into the ground or to bedrock and be securely embedded therein;
  - c) have that portion of the post below the ground level treated with an approved wood preservative;
  - d) have top and bottom rails at least 2" x 4" (50.9mm x 101.6mm) nominal dimensions.
4. A fence (or its equivalent) of any other construction which might yield an equivalent or greater degree of safety to that specified in Subsections 1, 2 & 3 of this Schedule may be approved by the authority having jurisdiction, upon the receipt of completed plans and specifications for same.

**GATES AND ENTRANCES TO KENNEL AREA**

1. Gates which form a part of the kennel enclosure shall be:
  - a) of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence.
  - b) supported on substantial hinges;
  - c) self-closing, self-latching with the latching device accessible from inside of the gate.

**MAINTENANCE**

1. All fences, walls, gates and entrances forming part of a kennel enclosure shall be constructed or erected and shall be maintained at all times to the standards and specifications set out in this By-law.

## **SCHEDULE "E"**

### **TO BY-LAW 2007-52**

#### **KENNEL OPERATION STANDARDS**

All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the following standards:

- 1.1 Dog cages and/or dog houses shall be so constructed as to be easily cleaned.
- 2.1 Floors shall be:
  - a) soundly constructed of hard, durable materials;
  - 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.

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- 2.6 Roofs and ceilings shall be:
- a) soundly constructed; and
  - b) maintained in a good state of repair free from cracks, holes and other damage.
- 2.7 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.
- 2.8 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.
- 2.9 Every room in a kennel shall be maintained in a clean condition.
- 2.10 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.
- 3.1 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 animal in the room.
- 3.2 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.
- 3.3 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.
- 3.4 Every room that is used for the housing of dogs within a kennel shall at all times be maintained at a temperature suitable for the health, welfare and comfort of every dog therein.
- 3.5 The operator of every 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.
- 4.1 Every cage or pen used in a kennel for the housing of dogs shall be so constructed and maintained that:
- a) every animal 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.

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- b) it is not likely to harm any animal therein;
  - c) any animal therein cannot readily escape therefrom;
  - d) it minimizes as nearly as practicable the transfer of pathogenic agents;  
and
  - e) it may be readily sanitized.
- 4.2 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.
- 4.3 This section applies to all pens or cages in every kennel:
- 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 and of which it has not been the last occupant 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 animal shall be protected against liquid spray while a cage or pen is being cleaned.
  - f) Every device used to supply drinking water to a dog shall be maintained in a sanitary condition and shall be so constructed and maintained as to ensure:
    - i) that the dog is receiving water; and
    - ii) the device is functioning properly.
  - g) Every container for food or water shall be maintained in a sanitary condition.
- 4.4
- a) Every dog in a kennel shall be supplied with food of a type and in amounts nutritionally adequate for the dog and that is palatable and free from contamination.
  - b) Food and water for a dog in a kennel shall be provided in containers or devices that may be readily sanitized and food shall not be placed directly on the floor of the cage or pen in which the dog is located.
  - c) Every dog in a kennel shall be supplied with adequate amounts of potable water.
  - d) Where a dog is fed with perishable food, the remnants of the food shall be removed from the cage or pen every day.
- 5.1 In any kennel, the operator thereof shall take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in any animal and to prevent distress to any animal.
- 5.2 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.

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- 6.1 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 indoor housing where to do so would result in a change in the 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 the 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) so constructed and maintained as to provide protection from the effects of direct sunlight, precipitation and wind; and
    - iv) dry and well drained.
- 7.1 All surfaces of yards and runways shall be covered in concrete or other nonporous materials.
- 8.1 All doorways and windows and outside openings shall be screened during the period of May 1<sup>st</sup> to October 1<sup>st</sup> of each year and provide an effective barrier against the escape of any dog.
- 9.1 All kennels must at all times be maintained in a clean, sanitary condition.
- 10.1 Excretion, 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.
- 10.2 Subject to the Dead Animal Disposal Act, 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.
- 10.3 Where the carcass of an animal is disposed of and the dead animal is not a dead animal as defined in the Dead Animal Act, 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;
    - i) licensed under the Dead Animal Act, or
    - ii) approved under the Meat Inspection Act (Canada) in a vehicle constructed and equipped in accordance with the Dead Animal Disposal Act.
- 10.4 No kennel or part thereof, including fencing, shall be permitted within three meters of the property line.

Schedule "F"  
The Corporation of the Township of Edwardsburgh/Cardinal  
**By-law 2007-52, as amended: Animal Control**  
**Part I Provincial Offences Act**

<b>ITEM</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Allow a cat to cause damage or create a disturbance	Section 2	\$55.00
2	Allow a cat to run at large	Section 2 a)	\$55.00
3	Allow a dog to run at large	Section 4 a)	\$100.00
4	Permit or allow a dog to trespass on private property	Section 8	\$55.00
5	Owner of a vicious dog did allow dog to escape by failing to secure it within a fenced yard	Section 13 a)	\$140.00
6	Owner of a vicious dog did allow dog to escape by failing to secure it within a fenced run	Section 13 b)	\$140.00
7	Owner of a vicious dog did fail to keep the dog muzzled on property of the owner	Section 13 c)	\$140.00
8	Owner of a vicious dog did fail to keep the dog muzzled while off the owner's property	Section 14	\$140.00
9	Owner of a dog did fail to prevent dog from attacking person, animal, bird or fighting with other dog	Section 17	\$140.00
10	Fail to inform licensing officer of vicious dog	Section 18	\$65.00
11	Fail to notify officer of transfer of vicious dog to new owner	Section 19	\$65.00
12	Fail to post vicious dog sign as required	Section 20	\$65.00
13	Fail to remove domestic animal excrement from any property	Section 21	\$65.00
14	Keep, own or harbour animals, the noise of which is likely to disturb the peace and comfort of persons in the vicinity	Section 26	\$55.00
15	Keep a dog not licensed or registered in the municipality	Section 27	\$100.00

NOTE: The general penalty provision for the offences listed above is Section 48 of By-law No. 2007-52, as amended, a certified copy of which has been filed.