

TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

BY-LAW NO. 2017-051

DOG KENNELS & PROHIBIT CERTAIN ANIMALS BYLAW

BEING A BY-LAW to prohibit certain animals and to regulate dog kennels.

WHEREAS pursuant to the Municipal Act, 2001, S.O. 2001, c.25 passing by-laws for animal control purposes is not mandatory;

AND WHEREAS Council has decided to no longer provide Animal Control Services but for the purposes of health & safety does wish to restrict the location and construction of kennels and prohibit certain animals;

NOW THEREFORE the Council of the Corporation of the Township of Drummond/North Elmsley hereby enacts as follows:

KENNELS

1. In this section,

KENNEL: Means a building or structure or part of a building or structure where more than five (5) dogs or more than ten (10) cats are lodged, bred, kept or boarded. A kennel facility will be classified as one of the following:

KENNEL, COMMERCIAL: Means a kennel used primarily for boarding dogs or cats not owned by family members, or for the breeding, raising and sale of purebred or crossbred dogs or cats, whether owned by family members or not.

KENNEL, HOBBY: Means a kennel where dogs or cats are housed for the primary purpose of pleasure (pets) or hunting, and where there is no boarding or revenue derived from the sale of the offspring of the dogs or cats.

2. No person shall operate a kennel in the Township unless in conformity with the Township's Zoning By-law and all requirements of this By-law.

3. The minimum separation distance between a kennel and an existing residence on another lot shall be 152 metres.

4. Prior to the operation of a Kennel, the owner of the land on which the kennel is situated shall be required to enter into a Site Plan Control Agreement with the Township that provides for and maintains the appropriate screening and development provisions for the purposes of mitigating adverse effect of this use.

5. Site Plan agreements as provided for in Section 4 shall implement the design specifications in substantial accordance with Schedule "A" of this By-law.

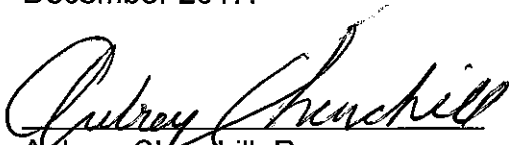
PROHIBITED ANIMALS

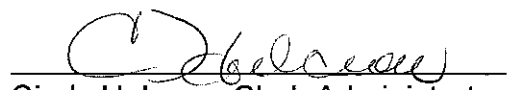
6. No person shall keep either on a temporary or permanent basis, any prohibited animal, as set out in Schedule "B" within the limits of the Township of Drummond/ North Elmsley.

VIOLATIONS AND PENALTIES

7. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00, as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
8. Upon registering a conviction for a contravention of any provision of this By-law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by this By-law make an order prohibiting the continuation or repetition of the offence by the person convicted.
9. If any section, clause or provision of this By-law, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction, to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have to be declared invalid.
10. **THAT** By-law No. 2011-024 shall be and is hereby repealed.
11. **THAT** this By-law shall come into force and take effect immediately upon the day of its passing.

BY-LAW read a first, second and third time and finally passed this 12th day of December 2017.


Aubrey Churchill, Reeve


Cindy Halcrow, Clerk Administrator

SCHEDULE A
By-law 2017-051

**Specifications for
Kennel Site Plan Control Agreement**

1. All fencing and runs for kennels shall be built as follows:
 - a. A fence or its equivalent which is to form a kennel enclosure or part thereof shall be of chain link construction, or 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" (5.08cm) consisting of 12 ga. galvanized steel wire, or a 14 ga. steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 12 ga. steel wire.
 - b. be supported by a minimum of 1" (2.54cm) galvanized steel posts, spaced not more than ten feet (10') (3.048m) apart. Such posts must extend at least three feet (3') (.914m) into ground bed rock and be securely embedded therein.
 - c. have top and bottom rails firmly fastened to the upright posts, made of a minimum of 1 1/4" (3.18cm) galvanized steel pipe.

NOTE: Galvanized steel tension wire, 9 ga. may be substituted for the bottom rail.
 - d. Where the owner chooses to use chain link fencing, the site plan agreement may require additional screening such as the use of landscaping, walls, fences, hedges and/or other ornamental fixtures to shield the view from one lot to another.
3. A fence of wood construction six feet (6') (1.8m) high, shall:
 - a. have vertical boarding one-inch (1") (2.54cm) thick minimum, attached to a top and bottom rail in such manner as to not facilitate climbing from the outside. Such vertical boards must not be less than 1" x 4" (2.54cm x10.16cm) minimum and must be spaced not more than 4"(10.16cm) apart.

- b. be supported by pressure treated posts at least 4" x 4" (10.16cm x 10.16cm) minimum, spaced not more than eight feet (8') (2.4m) apart. Such posts shall extend at least three feet (3') (.914m) into the ground or to bedrock and be securely embedded therein.
 - c. have top and bottom rails at least 2" x 4" (5.8cm x 10.16cm) minimum dimensions.
4. A fence (or its equivalent) of any other construction which might yield an equivalent or greater degree of security and strength may be approved by the Township upon the receipt of completed plans and specifications for said fence.
5. Gates which form a part of the kennel enclosures shall be:
 - a. of such height and of such construction as to provide a degree of safety and rigidity equivalent to or greater than that of required fence;
 - b. supported on substantial hinges; and
 - c. self-closing, self-latching with the latching device at the top of and on the inside of the gate.
6. Maintenance: 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.
7. All kennels operated in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the following standards:
 - a. Dog cages and/or doghouses shall be constructed so as to be easily cleaned.
 - b. All surfaces of runways shall be covered in concrete, asphalt, fine gravel or other material, which can be easily cleaned or raked.
 - c. All doorways and windows and outside openings shall be screened and provide an effective barrier against the escape of any dog.
 - d. All kennels must at all times be maintained in a clean, sanitary condition.
8. The operation of a kennel may be suspended or revoked by Council if the kennel does not comply with the provisions of this By-Law.

SCHEDULE "B"
By-law 2017-51
PROHIBITED ANIMALS

1. All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the animal is not identified in this Schedule.
2. All dogs, other than domesticated dogs (*Canis familiaris*) including but not limited to: wolf, fox, coyote, hyena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticate dog.
3. All cats other than domesticated cats (*Felis catus*) including but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat.
4. All bears, including polar, grizzly, brown and black bear.
5. All fur bearing animals of the family *Mustelidae* including, but not limited to: weasel, marten, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (*Putorius furo*).
6. All *Procyonidae*, including raccoon, kinkajou, cacomistle, cat-bear, panda and coatimundi.
7. All carnivorous mammals of the family *Viverridae* including, but not limited to:, civet, mongoose, and genet.
8. All bats (*Chiroptera*).
9. All non-human primates, including, but not limited to, monkey, ape, chimpanzee, gorilla and lemur.
10. All squirrels (*Sciuridae*).
11. Reptiles (*Reptilia*)
 - a. all *Helodermatidae* (gila monster and Mexican bearded lizard);
 - b. all front-fanged venomous snakes, even if devenomized, including, but not limited to,
 - i. all *Viperidae* (viper, pit viper);
 - ii. all *Elapidae* (cobra, mamba, krait, coral snake);
 - iii. all *Atractaspididae* (African burrowing asp);
 - iv. all *Hydrophiidae* (sea snake); and

- v. all *Laticaudidae* (sea krait);
 - c. all venomous, mid- or rear-fanged, Duvernoy-glanded members of the family *Colubridae*, even if de-venomized;
 - d. any member or hybrid offspring of the family *Boidae*, including but, not limited to the common or green anaconda and yellow anaconda, save and except members of the family *Boidae* reaching an adult length of no greater than two (2) metres;
 - e. any member of the family *Pythonidae*, including but not limited to the African rock python, the Indian or Burmese python, the Amethystine or scrub python, save and except members of the family *Pythonidae* reaching an adult length of no greater than two (2) metres;
 - f. any member of the family *Varanidae*, including but not limited to the white throated monitor, the water monitor, the Komodo monitor or dragon, the Bornean earless monitor, the Nile monitor, the crocodile monitor, save and except members of the family *Varanidae* reaching an adult length of no greater than one (1) metre;
 - g. any member of the family *Iguanidae*, including the green or common iguana;
 - h. any member of the family *Teiidae*, including but not limited to the golden, common or black and white tegu;
 - i. all members of the family *Chelydridae*, including snapping turtle and alligator snapping turtle;
 - j. all members of the order *Crocodylia*, including, but not limited to alligator, caiman and crocodile;
 - k. all other snakes that reach an adult length larger than three (3) metres; and
 - l. all other lizards that reach an adult length larger than two (2) metres.
12. Birds (*Aves*)
- a. all predatory or large birds (*Accipitridea*, *Cathartidae*), including but not limited to eagle, hawk, falcon, owl, vulture and condor;
 - b. *Struthioniformes* including but not limited to flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis.
13. *Arachnida* and *Chilopoda*
- a. all venomous spiders including but not limited to tarantula, black widow and solifugid, scorpion, save and except the exception of the following species of tarantula: Chilean rose (*Grammostola rosea*), Mexican red-knee (*Brachypelma smithi*) and pink-toed (*Avicularia avicularia*); and

- b. all venomous arthropods including but not limited to centipede.
14. All large rodents (*Rodentia*), including but not limited to gopher, muskrat, paca, groundhog, marmot, beaver, prairie dog, viscacha, and porcupine.
 15. All even-toed ungulates (*Artiodactyla*) other than domestic sheep, including but not limited to antelope, giraffe and hippopotamus.
 16. All odd-toed ungulates (*Perissodactyla*) other than domesticated horses (*Equus caballus*), including but not limited to zebra, rhinoceros and tapir.
 17. All marsupials, including but not limited to Tasmanian devil, bandicoot, kangaroo, wallaby, opossum, wombat, koala bear, cuscus, numbat and pigmy, sugar and greater glider.
 18. Sea mammals (*Cetacea*, *Pinnipedia* and *Sirenia*), including but not limited to dolphin, whale, seal, sea lion and walrus.
 19. All elephants (*Proboscidea*).
 20. All hyrax (*Hyracoidea*).
 21. All pangolin (*Pholidota*).
 22. All sloth and armadillo (*Edentata*).
 23. All insectivorous mammals (*Insectivora*), including aardvark (*Tubulidentata*), anteater, shrew, otter shrew, mole and hedgehog.
 24. Gliding lemur (*Dermoptera*).