

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW 2009-09

BEING A BY-LAW TO PROVIDE FOR THE REGULATION OF CANINES

WHEREAS Sections 9 and 10 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, confer the power to a municipality to pass by-laws regulating or prohibiting animals;

AND WHEREAS Section 103 of the Municipal Act confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

AND WHEREAS Section 129 of the Municipal Act, S.O. 2001, c.25 as amended, permits municipalities to pass by-laws to prohibit noises likely to disturb inhabitants within the municipality;

AND WHEREAS Section 391 of the Municipal Act enables a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS Council is desirous to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

AND WHEREAS it is deemed expedient that such a by-law be passed.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

- a) "Amenity" shall mean pleasant and agreeable with an absence of nuisances, and when applied specially, it means a pleasant and agreeable environment for any particular activity.
- b) "Blind Person" shall mean a person who because of blindness is dependent on a guide dog and has been issued an identification card under the Blind Persons' Rights Act, R.S.O. 1990, C.b.7;
- c) "Boarding/Rescue Facility Kennel" shall mean a Kennel, licensed within the Municipality of Powassan, as per Schedule "A" that provides service that is for a commercial purpose and/or a rescue shelter. A "Boarding/Rescue Facility Kennel" must comply with all the Kennel regulations as outlined in Schedules "A", "B" (if applicable) and "C" and "D" of this by-law.

- d) “Kennel” shall mean a shelter to keep or confine canine(s) as per Schedule “C” of this by-law, and;
- e) “Commercial Kennel” shall mean a breeding, boarding and or training facility for canine(s) and said facility must comply with Schedule “C” of this by-law and be licensed in compliance as per outlined in Schedule “A” of this by-law.
- f) “Breeder” shall mean a person(s) who is a member in good standing with the Canadian Kennel Club, breeds dogs registered under the Live Stock Pedigree Act (Canada), and operates a licensed Kennel as per Schedule “A” and “C” of this by-law.
- g) “By-Law Enforcement Officer” shall mean a person appointed by the Council of the Corporation of the Municipality of Powassan who shall be a Provincial Offences Act appointed official, for the purpose of enforcing the by-laws of the municipality.
- h) “Canine” shall mean a male or female dog(s) and shall include any domesticated or cross breed canine;
- i) “Animal Control Officer” includes any person so designated by Council to administer and enforce this by-law;
- j) “Council” shall mean the Council of the Corporation of the Municipality of Powassan;
- k) “Distress” shall mean in a state of danger or great difficulty and in need of compassionate care.
- l) “Dog Tag Calendar Year” shall mean the period from April 1st to March 31st of each and every year.
- m) “Fenced Yard” shall mean a yard which is completely enclosed by a fence constructed in accordance with the specifications set out in Schedule “D” of this by-law, provided that the walls of a continuously occupied building are considered as proportions of the required fence, provided that all doors in such walls and gates in fences are equipped with secure catches.
- n) “Gate” shall mean a swinging or sliding barrier used to fill or close an access and includes a door and shall be equipped with a secure catch.
- o) “License” shall mean a license issued under this by-law;
- p) “Municipality” shall mean the Corporation of the Municipality of Powassan;
- q) “Corporation” shall mean the Corporation of the Municipality of Powassan;
- r) “Municipal Building” shall mean any building or facility owned by the Corporation;
- s) “Public Property” shall mean any municipal, provincial or federal property within the boundaries of the Municipality of Powassan;

- t) “Owner” of a dog(s) shall include any person who possesses or harbors a dog(s), and “owns” or “owned” have a corresponding meaning; and, where the owner is a minor, the person responsible for the custody of a minor;
- u) “Purebred” shall mean registered or eligible for registration in the Stud Book of the Canadian Kennel Club Inc., the American Kennel Club, or the National Breed Registry, as pursuant to the Animal Pedigree Act (Canada).
- v) “Quality of Life” – shall mean the preservation and enhancement of those attributes which have established the quality and character of the Municipality of Powassan and which maintain the rural and small urban atmospheres that prevail.
- w) “Replacement Tag” shall mean providing a tag for a tag which has been lost, or dogs transferring with a valid tag to Powassan from another municipality.
- x) “Responsible Person” shall mean a person who is eighteen (18) years of age and shall not include persons who have been deemed by the medical profession as ‘mentally challenged’;
- y) Residential, as defined in **Schedule “E”**, shall mean the small urban areas of the Municipality of Powassan where there is clustered development that creates a known neighbourhood (i.e. Glendale Heights subdivision, Trout Creek area, former Town of Powassan area).
- z) Restraint means that a dog is on a chain, rope, leash, or within an enclosure, or run or on its owner’s property.
- aa) Restricted dog shall mean; a dog that is a Pit Bull dog; "pit bull" includes:
 - pit bull terrier,
 - Staffordshire bull terrier,
 - American Staffordshire terrier,
 - American pit bull terrier,
 - member of a class of dogs that have an appearance and physical characteristics that are substantially similar to dogs referred to in any of clauses (a) to (d); ("pit-bull").
- bb) Vicious Dog means any individual dog that has been determined, in a proceeding commenced pursuant to Section 4 of the Dog Owners Liability Act, to have attacked a person or domestic animal or any dog whose owner has acknowledged in writing, that the dog has attacked a human or other domestic animal).
- cc) “Running at large” shall mean a dog(s) found neither off the property on which it is kept and not restrained nor under the control of any responsible person.

2. LICENCING

- a) No person residing in the Municipality of Powassan shall own or keep any dog(s) without

obtaining a license for the dog(s) and registering the dog(s) with the Municipality.

- b) Maximum number of dogs per household within the residential areas of the Municipality of Powassan, as defined in the attached Schedule “E”, is two (2), effective upon the By-Law adoption. Such owners having more than two (2) dogs prior to the By-Law adoption, as per list kept at the municipal office, are for the lifetime of these dogs only, hereby exempt from the total number allowable per household, until such a time that the number of dogs are in compliance with this by-law. Fees are outlined in Schedule “A” of this by-law.
- c) Every owner of a dog(s), within thirty (30) days of becoming a resident of the Municipality or within thirty (30) days of becoming the owner of a dog(s) shall obtain a license(s) and register each dog with the Municipality.

*Note: On or after December 31st in the dog tag calendar year (April 1st to March 31st), the owner of a dog shall, if in the possession of a valid license(s) from another municipality, be required to purchase a Powassan license at the cost of a replacement tag(s) as outlined in Schedule “A” of this by-law. The replacement tag(s) is valid for the remainder of the current dog calendar year at that time.

- d) The dog license shall be obtained **annually** on or before the first day of April in each and every year and shall expire on the thirty-first day of March. Failure to do so will result in fines as set out in Schedule “B” of this by-law.
- e) The cost of the license shall be as prescribed in Schedule “A”. This schedule may be amended by Council from time to time and shall not affect the remaining sections of the by-law. A public meeting may be held to deal with such amendments.
- f) Upon full payment of the license fee(s) the owner of a dog(s) shall be furnished with a serially numbered dog tag(s) and the said tag(s) shall be kept securely on the dog(s) at all times. Dog(s) found off their owner’s property and to be without their tag(s) securely attached to their collar(s) are subject to a fine(s) as per Schedule “B” of this by-law.
- g) A dog tag is non-transferable.
- h) A replacement tag fee for a lost dog tag shall be as prescribed in Schedule “A”.
- i) Records shall be kept by the Municipality of Powassan Office and the Animal Control Officer showing:
 - i) the name, full address and phone number of the dog owner.
 - ii) the breed, age, sex and description of the dog.
 - iii) the serial number of the Dog Tag and fees paid in respect to each dog.
 - iv) the name of Kennel and breed(s).
- j) No person, with the exception of those outlined in a list maintained at the municipal office and by the Animal Control Officer shall own or operate a Kennel without complying with the regulations as set out in Schedules “C” and “D” of this by-law.

- k) The owner of a Kennel shall pay an annual fee for the Kennel as outlined under Schedule “A”. Only one Registered Commercial Kennel license will be issued per location.
- l) Kennel licenses are not transferable.

3. DOG OWNERS’ ADDITIONAL REQUIREMENTS

- a) Every person operating a Kennel Boarding Facility for lodging which has been approved by the Animal Control Officer or the Municipal Law Enforcement Officer for the Municipality of Powassan, shall annually and not later than April 1st in each year obtain a license from the municipality to operate a Kennel Boarding Facility and shall pay the license fee set out in Schedule “A” to this by-law. An inspection by the Animal Control Officer and/or Municipal Law Enforcement Officer shall be made as required, but at a minimum of every two years.
- b) Dogs are prohibited from running at large within the Municipality. No owner shall permit their dog to run at large or allow his/her dog to trespass on any private property, or to trespass on any public beach or swimming area.
- c) No person, other than a “Special Needs Person” with a registered guide/service dog, shall enter any Municipal building with a canine unless they are partaking in either a registered competition or a scheduled event that has been approved by the Corporation prior to the arrival and entrance of any canine.
- d) Possession of a dog impounded pursuant to Schedule “B” of this by-law may be restored to the owner if the owner claims possession of the dog within the period of **three (3)** business days from the date that the dog is impounded, and payment of the pound and maintenance fees imposed by the Municipality of Powassan set out in Schedules “A”, “B” and “C” to this by-law are received in full.
- e) The owner of the dog shall be charged with all costs related to the impounding of the dog and if the dog is not redeemed within the redemption period and such fees not paid by the owner of the dog, fees will be sent to Small Claims Court if not paid by the said owner.
- f) Every person who keeps a dog, which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the dog is provided with fresh water and an enclosure that meets the following criteria:
 - i) a pen or dog run with a solid base, that is at least 3 feet wide and 5 times the overall length of the dog and is suitable to prevent the escape of the dog;
 - ii) Contains, or has attached, a draft-proof house or shelter that will provide protection from the weather and an area providing sufficient shade to protect the dog from the direct rays of the sun at all times.
 - iii) Pens and run areas must be regularly cleaned and disinfected, and excreta removed and properly disposed of daily.
 - iv) Dogs tied out must have a minimum of 10 feet of chain with swivel clips at both ends, securely attached to the kennel, building, post or overhead running line

- g) No person shall own, possess, or harbor a **vicious dog(s)** within the land area known as the Municipality of Powassan. The Municipality is under the jurisdiction of the Dog Owners' Liability Act & related legislation with respect to vicious or dangerous dogs
- h) No owner shall permit his/her dog(s) to attack any person or domestic animal(s), or to fight with another dog.
- i) Every owner of a dog(s) shall remove forthwith and dispose of any excrement left by his/her dog(s) on any property located within the Municipality of Powassan. This does not apply to a blind person accompanied by a dog used as a guide or lead dog.
- j) No person shall permit a dog to bark continuously and excessively at anytime so as to disturb "The Quality of Life" and "Amenity" of either any resident or any person in the vicinity.
- k) Anyone who contravenes any section of this by-law is guilty of an offense and is subject to proceedings and penalties pursuant to the Provincial Offences Act, Chapter P.33 and/or proposed out of court fines as outlined in Schedule "B" of this by-law.
- l) Schedules "A" and "B" of this by-law may be amended yearly to accommodate changes in the fee schedule which must remain attached. Such amendment may require a public meeting before council approval.
- m) This by-law applies to all dogs residing within the boundaries of the Municipality of Powassan.

4. RESTRICTED DOGS (See previous note on this from ACO, Re. provincial law)

- a) The owner of a restricted dog shall ensure *that the following conditions are adhered to prior to a license being issued:*
 - i) Such dog is spayed or neutered. When such dog is on the property of the owner, it shall be either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of 1.8 yards by 3.6 yards (2 metres by 4 metres), and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than 11.8 inches (30 cm) deep. The enclosure must also provide for protection from the elements for the dog. The pen or structure shall not be within one meter of the property line, or within 5.4 yards (3 metres) of a neighbouring dwelling. Such dog may not be chained as a means of confinement.
 - ii) A sign is displayed at each entrance to the property and building in which the dog is kept, warning in writing, as well as with a symbol, that there is a restricted dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare.
 - iii) A policy of liability insurance, satisfactory to the Municipality, must be

produced as evidence of insurance in force in the amount of at least two million dollars, covering the twelve month period during which licensing is sought, for injuries caused by the owner's restricted dog. This policy shall contain a provision requiring the municipality to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination, or expiration of the policy.

b) Regulations applied to the handling and control of a licensed, restricted dog are as follows:

i) The owner of a dog that has been designated as "restricted", who is unwilling or unable to comply with the requirements of this section and upon conviction under the Municipal Act, 2001 or Dog Owners' Liability Act may be:

1. Subject to a penalty under the Provincial Offences Act of up to 5,000.00, or
2. The said dog shall be humanely euthanized by a licensed Veterinarian, Humane society, animal shelter, or animal

control

agency after a three-day holding period.

c) Any dog that has been designated as "Restricted" under this by-law must notify the municipality and the Animal Control Officer if the dog is relocated.

5. ANIMAL CONTROL OFFICER

a) The Animal Control Officer as appointed by Municipal Council is authorized to collect the pound fees levied under this by-law and to maintain a pound as directed by Council.

b) Every dog found running at large contrary to the provisions of this by-law may be seized and impounded by the Animal Control Officer or his/her designate, and impounded in the Animal Shelter designated by Council.

c) An owner has three (3) days, excluding holidays, in which they have the right to redeem an impounded dog from the Animal Control Officer. If claimed within the aforementioned time period, dogs may be redeemed for pound fees, levied at the rate imposed by the Municipality and any fees/fines determined in Schedules "A", "B" and "C" of this by-law.

d) After the expiration of the redemption period of three (3) business days, all dogs impounded become the property of the Animal Control Officer.

e) If the Animal Control Officer or his/her designate is unable to seize any dog(s) found to be running at large and the owner is known to the Animal Control Officer or his/her designate, the owner shall receive written notice of the fine described in Section 3 of Schedule "B" of this by-law.

f) The Animal Control Officer shall make every reasonable effort to locate and notify the

owner of each dog that is impounded, and conditions whereby the dog may be claimed.

- g) Where a dog is impounded by the Animal Control Officer (or his/her designate), the owner, if known, and whether the dog is claimed from the pound or not, shall be liable for the pound fees and shall pay all fees on demand by written notice as per Schedules “A” and “B” and “C” of this by-law, to the Municipality.
- h) The Animal Control Officer or his/her designate should be contacted when a dog is injured on property other than that where it is kept, so that the ACO (or designate) may assess the necessity for veterinary services.
- i) Kennels may be inspected by the Animal Control Officer or his/her designate, and a copy of the inspection report will be given to the Municipality before the kennel license is issued for that year. The inspection will be done to confirm compliance with Schedule “A”, “C”, “D” and “E” of this by-law. A copy of the report will also be given to the kennel owner/operator, and where improvements or changes are required, the Municipality will notify the kennel owner/operator to make the changes before the kennel license is issued for that year. No kennel shall go more than two consecutive years without an inspection by the Animal Control Officer/designate or Bylaw Enforcement Officer.
- j) The Animal Control Officer or Agent (being the person or persons appointed by the Council) may seize and impound every dog found running at large as to the provisions of Section 5 hereof.
- k) It shall be the duty of the Animal Control Officer or Agent to provide suitable kennel quarters as approved by the Council, in which to keep, in a humane manner, all dogs impounded under the provisions hereof. The Animal Control Officer or Agent shall record in an appropriate ledger: an accurate account of all dogs placed in the kennel, including date of receipt, times of feeding and watering and the manner of conclusion to the dogs impounded; the amounts received by way of redemption fee; the names and addresses of the adoptee of dogs; and, any other particulars the municipality may deem necessary.
- l) Every dog seized by the Animal Control Officer or Agent under the provisions of subsection (a) hereof and delivered to same, shall be confined in the kennel for **3** days, excluding holidays, and at the end of such period may, if not redeemed or sold, as hereinafter provided, may be disposed of at the animal control officer’s discretion.

6. SUSPENSION/REVOCAION

- a) The Municipality of Powassan may suspend or revoke a license issued to any licensee who:
 - i. has past breaches of this by-law, or
 - ii. has failed to comply with the requirements of;
 - 1. this by-law or other applicable by-laws of the Municipality of

- Powassan or
2. any other Municipal Corporation or of any statute, order-in-Council or Regulation of the Legislature of the Province of Ontario or
 3. the Parliament of Canada or any Agency, Board or Commission thereof, in, upon or in connection with the operation of a Kennel or in relation to which such license was issued; or,
- iii. has any outstanding fines imposed under the Provincial Offences Act R.S.O. 1990 Chapter P.33, as amended, for the contravention of any provision of this by-law or any other Municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with the kennel.

7. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of any section of this by-law to be invalid, such section or part of a section shall not be constructed as having persuaded or influenced council to pass the remainder of the by-law and it is hereby declared the remainder of the by-law shall be valid and shall remain in force.

8. INVESTIGATION

- a) For the purpose of discharging the duties imposed by this by-law, and to enforce its provisions, any Police Officer or an agent of the Ontario Humane Society may enter the premises where any domestic animal is kept in a reportedly cruel or inhumane manner and demand to examine such domestic animal and to take possession of such domestic animal, when in his/her opinion, it requires immediate veterinary or humane care.
- b) No person shall interfere with, hinder or molest any agent of the Corporation of the Municipality of Powassan in the performance of any duty of such agent, or seek to release any animal in the custody of the Animal Control Officer or any Agent except as herein approved.

9. PENALTY

Every person who contravenes any provision of the by-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the Provincial Offences Act, R.S.O. 1990, and c. P-33, as amended.

10. REPEAL

By-law No. 2004-34 is hereby repealed.

11. That Schedules A, B, C, D and E attached hereto are part of this By-Law.

Adopted March 17, 2009.

Mayor, Bob Young

CAO-Clerk, Roger Labelle

**THE CORPORATION OF THE MUNICIPALITY OF POWASSAN
SCHEDULE "A" OF BY-LAW 2009-09**

	Column A On or Before April 30th	Column B After April 30th
Neutered Male or Spayed Female if only one dog kept (with veterinarian proof of alteration)	\$10.00	\$15.00
Each Additional Dog, Spayed/Neutered owned by same person or kept in one household (with veterinarian proof of alteration)	\$15.00	\$20.00
Unaltered Dogs(Female & Male) if only one dog kept.	\$25.00	\$30.00
Each additional dog, unaltered owned by same person or kept in one household	\$35.00	\$40.00
Kennel license (10 and under dogs) (includes 3 tags; additional tags \$1.00 each)	\$100.00	\$150.00
Kennel license (11 and over dogs) (includes 3 tags; additional tags \$1.00 each)	\$200.00	\$250.00
Replacement of a lost tag	\$ 5.00	\$ 5.00
Bail		First offence - \$25; Second offence - \$40.00 Third, and subsequent, offence(s) - \$50.00
Impound Fees		\$15.00 (per day).

SCHEDULE "B" TO BY-LAW 2009-09?
Provincial Offences Fines

OFFENCES:
FINE

FIRST OFFENCE

1. Owner fails to purchase dog license	\$55.00
2. Owner fails to purchase kennel license	\$100.00
3. Owner permits dog to run at large	\$55.00
4. Owner permits dog to trespass on private and other restricted properties as outlined in the by-law attached hereto.	\$55.00
5. Owner fails to leash dog(s) in a public place or public roadway	\$55.00
6. Owner fails to clean up dog excrement	\$55.00
7. Owner permits persistent dog barking (at any given time)	\$55.00
8. Owner permits dog to injure or kill livestock, poultry or domestic animal and personal injury.	\$100.00 (and associated costs)
9. Owner fails to comply with number of dog(s) allowed per household	\$100.00
10. Being an owner who has a dog without a tag securely affixed.	\$55.00
11. Fine for impounded dog	Per Schedule "A", plus veterinary any fees

SUBSEQUENT OFFENCES - Fines double (to the maximum as per the Provincial Offences Act)

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

SCHEDULE "C" TO BY-LAW 2009-09

KENNEL REGULATIONS:

Apply to registered Kennels

1. **All NEW kennels subsequent to the passage of this by-law must comply with the regulations outlined in this Schedule prior to getting a license.** Existing, non-conforming licensed kennels are 'grandfathered'.
2. No kennel shall operate within the Municipality without a Kennel License.
3. Where an existing Kennel ceases to exist for a period of one (1) year, or the owner fails to pay the licensing fee as per Schedule "A" of this by-law, or the ownership of the property changes, the use will be deemed to have been discontinued.
4. Every person operating a Kennel Boarding Facility for lodging which has been approved by the Animal Control Officer or the Municipal Law Enforcement Officer for the Municipality of Powassan, shall annually and not later than April 1st in each year obtain a license from the municipality to operate a Kennel Boarding Facility and shall pay the license fee set out in Schedule "A" to this by-law. An inspection by the Animal Control Officer and/or Municipal Law Enforcement Officer or designate shall be made as required, but at a minimum of every two years
5. No new Kennels shall be permitted to operate or be licensed within the Municipality of Powassan unless they are situated in a Rural (RU) Zone or Agricultural (AG) Zone on a lot of five (5) acres or greater that is located outside of any "residential area" and conform to all of the regulations outlined in this Schedule and any other applicable building or zoning by-laws of the Municipality.
 - a) A Kennel shall be constructed in such a manner that:
 - b) the building shall conform to the Ontario Building Code Act and be maintained in such a manner as to be free from damage,
 - c) the building shall be separated and enclosed and shall not be attached to a dwelling unit or any other building which is or can be used for human habitation,
 - d) the building shall have a floor of concrete or other impermeable material and shall have a drain opening constructed as a plumbing fixture, and such floor shall be thoroughly cleaned daily, or more often if necessary.
 - e) the building shall be maintained in a sanitary, well ventilated, clean condition and free from offensive odors.
 - f) the building shall have windows that may be opened for proper ventilation.
 - g) outside runs and inside pens must be provided for each animal housed.
 - h) have a mechanical ventilation device in working order which changes the air at least two (2) times each hour, and/or screened windows that may be opened.
4. All canines shall be:

- a) maintained in a secure, individual, sanitary, well-bedded, well-ventilated, naturally clean quarters which are maintained and kept at a healthful temperature at all times;
 - b) kept in individual adequately-sized pens/cages that allow the animal to extend its legs to their full extent, to stand or sit, to turn around or lie down in a fully extended position; and, constructed solely of metal, wire, wood, and concrete blocks with impermeable concrete floors; and,
 - c) adequately fed and watered periodically each day and kept in a clean and healthy condition free from vermin and disease.
 - d) Alleyways and service aisles between pen and cages must be wide enough to permit safe and efficient movement of people, animals and equipment.
 - e) The base of any outside pen shall be covered with a minimum three (3) to four (4) inches of suitable stone or constructed of impermeable concrete. The perimeter and dividing individual runs of such an area shall be constructed with a galvanized chain link or welded mesh fence having a minimum height of 6 feet in height, and shall be deemed part of the building for the purpose of Section 3, Schedule "C". All fences must comply with the regulations set out in Schedule "D" of this by-law. Outside runs will be no less than four (4) feet in width and no less than ten (10) feet in length and fenced.
 - f) Where animal runs are permitted as part of any Kennel, no operator or employee of such establishment shall permit a dog to utilize the runs except during supervised exercise periods, at which time the operator or employee shall be in direct control of the dog.
 - g) No operator or employee of all types of Kennels shall permit the operation to become a nuisance by reason of incessant noise at any time, as per by-law of the municipality, from barking dogs or otherwise, that may result in reduced "quality of life" and "amenity" for residents in the Municipality of Powassan.
 - h) Kennels must NOT be left unattended overnight or for long periods of time in the daylight, and should be attended by either the owner(s) or other reliable attendants.
5. Every owner of a Licensed Kennel shall file with the Municipality of Powassan:
- a) a certificate from the Animal Control Officer for the Municipality, that the Kennel complies with ALL requirements of this by-law and any other applicable law,
 - b) a personally sketched Survey indicating all building locations.
6. The Animal Control Officer/designate or By-law Enforcement Officer (as required), while in the presence of the owner(s), may enter a Kennel operation and inspect to ensure compliance with this by-law. Twenty-four (24) - hour notice shall be given, **except** where provisions in Section 7, Subsection 7 (a) come into force.
7. All owners and operators of Kennels shall be required to pay an annual license fee as set out in Schedule "A" of this by-law.
8. Failure to comply with any or all of the foregoing may results in the revoking of a license previously issued. And, failure to comply with the conditions outlined in Schedule "C"

may result in the refusal by the Municipal Office to issue a Kennel License and/or revoking of a license previously issued.

9. All dogs on the property covered by a kennel license must have ID on them; tattoo, microchip or license tag are acceptable.

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

SCHEDULE "D" TO BY-LAW 2009-09

FENCE REGULATIONS

1. Fences shall be 6 feet in height and installed as such that no gap exists between the underside of the fence and the finished grade. Fences shall be of a design that will reasonably deter children from climbing it to gain access to the fenced-in area and that will secure the enclosed animal 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 which shall provide protection equivalent to the fence and shall be equipped with self-closing, self-latching devices, and located at the top of and inside the gates. Locks shall be located outside or inside of the gate at the owner's discretion.
2. A fence shall:
 - a) Be of not greater than 2 inches diamond mesh;
 - b) Be constructed of galvanized steel or welded mesh wire that is not less than No. 11 gauge wire.
 - c) Be supported by at least 1.5 inches (38 mm) diameter galvanized steel posts installed in accordance with good fencing techniques. Such posts shall be spaced not more than 10 feet apart. Top horizontal rails shall be at least 1.25 inches diameter galvanized steel. Bottom horizontal rails shall be a .5 inch diameter galvanized tension rail or a 1.25 inches diameter galvanized rail.
 - d) Alternative fencing choices must be pre-approved by the Animal Control Officer or his/her designate.

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

SCHEDULE “E” TO BY-LAW 2009-09

RESIDENTIAL AREAS

Powassan Area: shall consist of boundaries beginning in the north at the intersection of Main Street and Valleyview Drive West, to the south at Main Street and Highway 11, to the east at Memorial Park Drive where it meets Valleyview Drive East, and to the west at Highway 11 South;

Trout Creek Area: shall consist of boundaries beginning in the north at Hummel Line and Hemlock Road, to the south at the Trout Creek Planing Mill property and the southern end of McCarthy Street, to the east at the intersection of Main Street East and Forestry Road, and to the west at Highway 522 and the South River;

Glendale Heights Subdivision; and,
Butler Subdivision.