

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 05-08

A BY-LAW TO LICENSE AND REGULATE KENNELS

Kennel By-law

WHEREAS the Municipal Act, S.O. 2001, Chapter 25, as amended, provides that lower tier municipalities may pass by-laws respecting animals;

AND WHEREAS section 8 of the said Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 150 of the said Act provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Adjala-Tosorontio hereby enacts as follows:

TITLE

1. This By-law shall be cited as “The Township of Adjala-Tosorontio Kennel By-law”;

DEFINITIONS

2. For the purposes of this By-law, the following definitions shall apply:

“Clerk” means the Clerk of the Corporation of the Township of Adjala-Tosorontio;

“Class 1 Kennel” shall mean any kennel used for the purpose of the keeping of purebred dogs used for breeding, showing, exhibition or similar functions normally associated or related to purebred dogs;

“Class 2 Kennel” shall mean any kennel used for the purpose of boarding or training dogs for showing or exhibition or similar function normally associated with a boarding kennel;

“Council” means the Council of the Corporation of the Township of Adjala-Tosorontio;

“dog” shall mean any domesticated canine, male or female, whether neutered or spayed, over the age of ninety days from birth;

“dog house” shall mean a freestanding enclosure offering protection from the elements for a dog or dogs when sleeping or resting;

“dog run” shall mean an enclosure allowing freedom of movement and exercise for a dog or dogs;

“dog kennel shelter” shall mean an enclosed area in a kennel structure or building offering protection from the elements for a dog or dogs when sleeping or resting;

“guard dog” shall mean any dog that has been specifically trained to defend or protect persons or property against intruders or theft and is used exclusively for that purpose;

“guide dog” shall mean any dog trained and actively used to assist a person who is legally blind or legally deaf and is actively in use for such purposes;

“issuer” shall mean the Clerk of the Township or a designate;

“kennel” means any lot, building, structure on or within which four or more domesticated dogs are housed, bred, boarded, trained or sold. For the purposes of this By-law a kennel shall not include any building, structure or place utilized for the purposes, keeping or maintenance of a guide dog or veterinary clinic;

“license” means a license issued pursuant to this By-law;

“licensee” means a person who has been issued a Class 1 or Class 2 Kennel License pursuant to this By-law;

“lot” shall mean a parcel of land upon which a temporary or permanent structure is used as a residence;

“officer” shall mean persons appointed by the Township to enforce the provisions of this By-law as Provincial Offences Officers, By-law Enforcement Officers or Canine Control Officers;

“other animals” shall mean any animal, other than a dog, which is commonly kept as a household pet, including birds and reptiles, but does not mean animals commonly kept or known as livestock;

“purebred” means:

- a) registered or eligible for registration in the register of the Canadian Kennel Club Inc. or the American Kennel Club; or
- b) recognized as such pursuant to the Animal Pedigree Act (Canada);

“Township” shall mean the Corporation of the Township of Adjala-Tosorontio;

GENERAL PROVISIONS – KENNEL LICENSING

3. Every person carrying on, conducting, maintaining, keeping, controlling or engaging in operation of a kennel shall be required to obtain a Township Kennel License as set out in Schedule “A” attached to this By-law and pay the required license fee;

APPLICATION FOR A LICENCE

4. Any person required to obtain a license pursuant to this By-law shall apply in writing to the Clerk, in the form provided by the Township shall deposit at the time of the application all required license fees as set out in Schedule “A” to this By-law, as well as any required approvals inspections or documents required by the provisions of this By-law or as deemed necessary by the Clerk;
5. All applications for a Kennel License shall include the following:
 - a) an application in the form attached as Schedule “B” to this By-law;
 - b) the applicable license fee as set out in Schedule “A” to this By-law;
 - c) the applicant shall provide proof of compliance with any and all requirements set out in this By-law as well as any other provisions which may govern the business, place or premises used in the carrying on of the Kennel and/or the persons carrying on the operation of the Kennel to which the application pertains;

6. The Issuer shall not issue a license until:
 - a) all required approvals and inspections have been obtained by the applicant;
 - b) all required documentation has been provided;
 - c) all license fees have been paid in full;
7. The Issuer, upon receipt of the application for a Kennel License may make, cause to be made or request, any additional documents, investigations or inspections to be made in respect of such application for a Kennel License as the Issuer deems appropriate or in the interest of the general public and any costs incurred for such inspection or documents shall be at the applicant's expense;
8. The applicant shall be responsible for obtaining all necessary inspections, documents and approvals as may be required.

KENNEL REQUIREMENTS

9. A Kennel License shall not be granted unless the following requirements are met:
 - a) any parcel of land to be used for the purpose of a Kennel shall be zoned to permit the use pursuant to the Township Zoning By-law;
 - b) a Kennel shall be enclosed by a fence that is a minimum of two metres in height and shall have the robustness of twelve gauge chain link or material of equal strength;
 - c) all exercising yards used in connection with the operation of a Kennel shall be:
 - i) at least one hundred and fifty metres from any residential dwelling off the property;
 - ii) at least thirty-three metres from all property boundaries and public roads;

MAXIMUM NUMBER OF DOGS

10. The maximum number of dogs permitted in any one Kennel for which a Class 1 Kennel License has been issued shall not exceed twenty dogs;
11. The maximum number of dogs permitted in any one Kennel for which a Class 2 Kennel License has been issued shall not exceed thirty dogs;

DURATION OF LICENSE

12. Every license issued shall be executed on behalf of the Township by the Issuer who is hereby authorized to execute and issue all such licenses. A license, if issued, shall be issued for a period from January 1st to December 31st of each year and shall be renewed by January 31st in each year;
13. A Kennel licensed hereunder shall, at all reasonable hours, be open to inspection by a By-law Enforcement Officer or such other persons as may be appointed by Council;

CHANGE OF OWNERSHIP

14. Every licensee shall, upon change of ownership of the licensed business, return and surrender his current license to the Township. The new owner shall make application for a new license as set out in this By-law.

CHANGE OF PREMISE OR LOCATION

15. Where a currently licensed Kennel changes location or premise, such new location or premise shall not be deemed to be licensed. The applicant must immediately make application for a new license under the provisions of this By-law and shall surrender to the Township the license issued in respect of the previous location or premise;

NUISSANCE ABATEMENT

16. Every person licensed under this By-law, in addition to any other provisions or requirements expressed elsewhere in the By-law, shall comply with the following requirements:
- a) shall not breach or violate or cause, suffer or permit any breach or violation of any By-law of the Township or of any statute, Order-in-Council or Regulation of the Legislature of the Province of Ontario or 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 licence was issued, and
 - b) shall not cause, suffer or commit any nuisance to arise in, on, or in connection with the operation of the Kennel;

REFUSAL TO GRANT A LICENCE

17. The Issuer may also refuse to grant or issue a licence to any applicant where it is not in the public interest to do so;

SUSPENSION / REVOCATION

18. The Township may suspend or revoke a license issued to any licensee who:
- a) has past breaches of this By-law, or
 - b) has failed to comply with the requirements of this By-law or other applicable By-laws of the Township of any other Municipal Corporation or of any statute, order-in-Council or Regulation of the Legislature of the Province of Ontario or 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
 - c) 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, or
 - d) where the Issuer considers it is in the public's interest to do so;

19. Any suspension of a license may be subject to such terms and conditions as the Issuer may prescribe;
20. No person shall operate any Kennel contrary to any license suspension or terms and conditions thereto or where a Class 1 or Class 2 Kennel License has been revoked;

APPEAL

21. Where the Township refuses to issue, suspends or revokes a Class 1 or Class 2 Kennel Licence, the Issuer shall notify the applicant in writing of such decision and the said notice shall set out the grounds upon which the issue of the said license is refused, suspended or revoked;
22. The applicant or licensee may appeal such decision by filing an appeal in writing with the Clerk of the Township;
23. Upon receipt of an appeal from the applicant or licensee the Clerk will schedule the appropriate hearing before Council;
24. Prior to the hearing the applicant shall pay any outstanding fines imposed for the contravention of any provision of this By-law;
25. Council may, after having heard all of the evidence and submissions made to it by the Applicant or Licensee, and the Issuer resolve into In Camera to debate the matter and to reach its decision;
26. The decision made by Council sitting In Camera shall be confirmed in open Council by Resolution;
27. The decision of Council to refuse to issue a license, revoke a license or suspend a license may be subject to such terms as Council shall impose and shall be final and binding;
28. No person shall engage in or continue to conduct or permit any person to engage in or continue to conduct a kennel for which either a Class 1 or Class 2 licence is required under this By-law while such license is suspended or revoked under the provisions of this By-law;

ENFORCEMENT

29. A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual shall enforce this provisions of this By-law;
30. Every person who contravenes the provisions of any section of this By-law and every director or officer of a corporation who concurs in the contravention by the corporation is guilty of an offence and liable upon conviction to a fine not exceeding \$5,000;

REPEAL

31. Upon the passing of this By-law the following By-law shall be deemed repealed – By-law 97-19 of the Corporation of the Township of Adjala-Tosorontio;

SEVERABILITY

- 32. Should any section of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out;
- 33. Should the provisions of this By-law be found to conflict with the provisions of any other By-law of the Township the provisions of this By-law shall prevail;

CONTINUATION OF EXISTING LICENSE

- 34. Every licensee with a valid current license as set out in Schedule “C” to this By-law shall be permitted to renew his license;

FORCE AND EFFECT

- 35. This By-law shall come into force and effect on the final passing thereof;

THAT, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 7th day of February, 2005.

“TOM WALSH”

MAYOR TOM WALSH

“BARB KANE”

CLERK BARB KANE

Schedule "A"

TABLE OF FEES

Class 1 Kennel	\$100 for the first year and \$75 for each renewal year
Class 2 Kennel	\$100 for the first year and \$75 for each renewal year

Schedule "B"

CLASS 1 OR CLASS 2 KENNEL LICENSE APPLICATION

Name of Applicant(s)/Registered Owner(s) (If the Applicant is not the Owner, a letter consenting to the application signed by the Owner(s) must be provided)

Business Name:

Mailing Address:

Civic Address:

Telephone Numbers (home, business & cell):

Name of Manager(s):

Legal Description of Property:

Site Plan attached drawn to scale showing the true shape and dimensions of the property, the location, height and dimensions of all buildings or structures on the subject lot including those to be used for kennel purposes. The site plan must also specify the distances that separate the kennel buildings, structures, dog runs and facilities from all property lines and provide details in relation to drainage of the lot.

Maximum number of dogs for which this application is made and to which this kennel license is restricted to:

Class 1 maximum number of dogs is twenty and the fee is \$100 for the first year and \$75 for each renewal year

Class 2 maximum number of dogs is thirty and the fee is \$100 for the first year and \$75 for each renewal year

The undersigned registered owner(s) hereby certify that the foregoing statements are true and complete and that the application and the facilities comply with all requirements of this By-law and the Municipal Zoning By-laws.

Date: _____

Signature(s) of applicants:

A license is granted for Licensed Kennel in terms of the above application and limited to the number of dogs specified above for the calendar year:

Date: _____

Signature of Township Official: _____

Schedule "C"

CONTINUATION OF EXISTING LICENSE

1. 010-001-09006
2. 010-004-07700
3. 010-002-07201
4. 020-002-01701
5. 020-001-02410
6. 020-003-10601