

# The Corporation of The Township of Adjala-Tosorontio

## By-Law No. 2024-XXX

### **A By-law to Provide for the Licensing and Regulation of Kennels within the Geographical Boundaries of the Township of Adjala-Tosorontio and to Repeal By-law 05-08**

**WHEREAS** Section 11, of the Municipal Act, S.O. 2001, c.25, as amended, authorizes municipalities to pass by-laws to regulate animals;

**AND WHEREAS** Section 151 of the Municipal Act, S.O. 2001, c.25, as amended, authorizes a municipality to license, regulate and govern businesses within the municipality;

**AND WHEREAS** Council for the Township deems it expedient to regulate the keeping of dogs within the Township of Adjala-Tosorontio;

**AND WHEREAS** Council deems it desirable to license, regulate, govern the business of kennels;

**NOW THEREFORE** the Council of Township of Adjala-Tosorontio hereby ENACTS AS FOLLOWS:

#### **SHORT TITLE**

This By-law shall be known as the Kennel By-law.

#### **1. DEFINITIONS**

For the purpose of this By-law, the following definitions shall apply;

- 1.1 **Applicant** means any person that has a license under this by-law, any person that applies to the Township for a license or renewal of a license under this by-law and any person whose license under this by-law is being considered for revocation or suspension;
- 1.2 **Boarding Kennel** means a building in which 4 or more dogs are maintained or cared for, for remuneration or otherwise up to a maximum number based on the facility design for primary enclosure space as defined in the Code of Practice in Canadian Kennel Operations;
- 1.3 **Breeding Kennel** means a building in which 4 or more dogs are bred registered with the Canadian Kennel Club up to a maximum number based on the facility design for the primary enclosure space as defined in the Code of Practice in Canadian Kennel Operations;

- 1.4 **Clerk** means the Clerk of the Township of Adjala-Tosorontio;
- 1.5 **Council** means the Council of the Corporation of the Township of Adjala-Tosorontio;
- 1.6 **Dog** means any domesticated canine, male or female, whether neutered or spayed, over ninety days from birth;
- 1.7 **Dwelling Unit** means a room or suite of rooms used or intended to be used as a domicile by one or more person and usually containing cooking, eating, living, sleeping and sanitary facilities;
- 1.8 **Enclosure** means areas where a dog is contained and may include an inside or outside area;
- 1.9 **Foster Kennel** means a building which 4 or more dogs are maintained or cared up to a maximum number based on the facility design for primary enclosure space as defined in the Code of Practice in the Canadian Kennel Operations and is operated by a registered Charity Organization or Non-Profit Organization;
- 1.10 **Kennel** means a detached structure where a minimum of four (4) dogs are housed, boarded, bred, trained, sold or kept and which is licensed by the Township. For the purpose of this By-law a Kennel shall not include an building, structure or place utilized for the purposes of keeping or maintenance of a guide dog or veterinary clinic;
- 1.11 **License** means a license issued pursuant to this By-law;
- 1.12 **Licensee** means the holder of a Kennel license who is the owner of the property;
- 1.13 **Officer** means the By-law Enforcement Officer authorized by the Council of the Township for the purposes of enforcement of Township by-laws and shall also include his or her designate and may include Animal Control Officers, including the, Officers of the Ontario Provincial Police, and officers of the Provincial Animal Welfare services;
- 1.14 **Owner** means a person who keeps, harbours or who has custody of an animal, and, in the case of a minor, includes the person responsible for the custody of the minor;
- 1.15 **PAWS Act** means *Provincial Animals Services Act, 2019*, as amended;
- 1.16 **Property Owner** means the registered legal owner of the land on which the Kennel is located or proposed Kennel may be located;
- 1.17 **Township** means the Corporation of the Township of Adjala-Tosorontio;

- 1.18 **Veterinary Clinic** means a building or part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian within the meaning of Provincial legislation and includes facilities where animals can be temporarily boarded while undergoing treatment.

## **2. PROHIBITIONS**

2.1 In the Township no person shall:

- a) carry on the business of Kennel except in accordance with the provisions set out in this by-law;
- b) carry on the business of a Kennel without a license to do so issued under this by-law;
- c) be issued a Kennel License without having paid the required fees for the license as set out in Fees and Charges By-law;
- d) operate a Kennel at a location other than for which a license is issued under this by-law;
- e) operate a Kennel under any other name than the one endorsed on the license issued under this by-law;
- f) hold themselves out as being licensed to carry on a business of a kennel if the person is not so licensed;
- g) transfer or assign a license issued under this by-law;
- h) obtain a license by providing mistaken, false or incorrect information; and
- i) obtain a license having been convicted under the Criminal Code of Canada for animal abuse or had charges under the Dog Owner's Liability Act (DOLA) R.S.O. 1990, c. D.16 or the Ontario Society for the Prevention of Cruelty to Animals Act (OSPCA R.S.O. 1990, c. O.36).

## **3. LICENSING REQUIREMENTS**

3.1 The license shall be taken out annually and renewal fees are required no later than January 30th of each year following a mandatory annual inspection.

3.2 Before licensing any kennel, or renewing an existing kennel license, the Township shall require the applicant to complete the prescribed application form, pay the required annual fee in accordance with the Fees and Charges By-law; as amended from time to time, and produce evidence satisfactory to the Clerk or designate that the kennel is being or shall be operated, within the standards and conditions as set out within this by-law.

- 3.3 Every person who owns or operates a kennel shall permit an Animal Control Officer, By-law Enforcement officer or By-Law Enforcement Officer upon production of proper identification, to enter and inspect the kennel at all reasonable times for the purpose of determining compliance with the license and the provisions of this by-law or any other by-laws of the municipality applicable to a kennel.
- 3.4 A kennel must comply with all applicable by-laws and regulations within the Township.
- 3.5 A license to operate a kennel shall be subject to such terms and conditions set out in the license and no person shall operate a kennel except in accordance with the terms and conditions of the kennel license issued by the Township. Notwithstanding the provisions of this by-law, the Township may attach a condition to a kennel license limiting the number of dogs which may be kept in the kennel.

#### **4. LOCATION REQUIREMENTS**

- 4.1 A kennel must be located on a property in compliance with the comprehensive Township Zoning By-law, as amended.
- 4.2 A kennel and all associated structures must be setback as prescribed by the Township's Comprehensive Zoning By-law.

#### **5. FENCING REQUIREMENTS**

- 5.1 Every person owning or operating a Boarding Fostering and/or Breeding Kennels shall comply at all times with the following fencing standards:
- a) outdoor runs shall be completely enclosed with no less than 12 gauge chain link fencing, or material of equal strength.
  - b) all fencing used must be a minimum of 1.82 m (6 ft) in height.
  - c) all fencing associated with a kennel is considered a structure, as defined within the Township's Zoning By-law, and must be set back in accordance with the provisions of the Township's Zoning By-law.

#### **6. KENNEL HOUSING REQUIREMENTS**

- 6.1 Every person owning or operating a Boarding and/or Breeding Kennels / Foster kennel shall comply at all times with the following standards:
- a) the maximum number of dogs to be kept in a boarding kennel shall not exceed the limits of design for the primary enclosure suitability as outlined in the Code of Practice for Canadian Kennel operations by the Canadian Veterinary Medical Association, as amended;

- b) the kennel building shall be a fully enclosed separate building and shall not be attached to any building used or capable of being used for human habitation; dogs shall be housed in an individual enclosure, with the exception, in the case of a boarding kennel, where the animal owner expresses a specific desire for their animals to be housed together and it would not be deemed inhumane to do;
- c) every kennel shall be maintained in a clean and sanitary condition at all times which shall include the removal of excrement, refuse and debris a minimum of twice daily, or as often as required;
- d) the primary enclosure within the kennel building shall have:
  - i. natural and electric lighting;
  - ii. windows which may be opened for proper ventilation;
  - iii. hot and cold running water;
  - iv. heating and cooling source with thermostat; and
    - i. Whelping areas shall be separated from other areas of the kennel.

6.2 Every person who owns or operates a kennel shall comply with the recommendations set out in "A Code of Practice for Canadian Kennel Operations" Canadian Veterinary Medical Association, 2018 or the most recent version of said document.

## **7. APPLICATION PROCEDURE**

- 7.1 Every applicant applying for a new license for a kennel shall submit the following documentation to the Clerk or designate:
- a) documentation, satisfactory to the Clerk or designate, that the applicant is the property owner of the land at the location;
  - b) fully completed application form;
  - c) the appropriate license fee; as identified in the Fees and Charges By-law;
  - d) conformation from the Planning Department that the property upon which the kennel will operate is in compliance with the Townships zoning by-law;
  - e) the original results of a criminal information request which shall determine whether the applicant has been convicted of any federal, provincial or municipal law pertaining to animal cruelty;

- f) a site plan drawing to scale approved by the Township, including but not limited to, the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs, waste containment, or facilities to be used for kennel and primary housing shall include floor plan layout with room uses identified and measurements of each of the rooms. The site plan shall also specify the distance separating the kennel from all property lines as well as all the buildings and their existing use situated on the adjacent properties;
- g) a list of all dogs to be permanently kept at the subject property noting verification of current rabies vaccination (except where there is proof that the dog is under four (4) months of age);
- h) Boarding Kennel applicants must provide proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability;
- i) Breeding Kennels applicants must provide proof of valid membership in the Canadian Kennel Club or any other association incorporated under the Animal Pedigree Act Canada (Canada) R.S.C. 1985 c.; and
- j) Foster Kennel applicants must be registered with the CRA as a non-profit charity.

## **8. REGULATIONS FOR LICENSEES**

### **8.1 General Licensee's Responsibilities**

Every licensee shall at all times:

- a) post the license in a conspicuous place at the fixed place of the business;
- b) notify the Clerk or designate within seven (7) days of any changes in his or her business or residential address; and
- c) before any dog is taken into any kennel, all kennels shall inspect such animal for contagious or infectious disease. Should any kennel have an outbreak of any such disease, the kennel may be closed at any time by the Officer or any other person appointed by the Township or authorized by Provincial statute for such purpose.

### **8.2 Records**

Every licensee shall record and keep:

- a) the names and addresses of the owners of all the dogs boarded at the kennel;
- b) emergency contact number for the owners of the dogs;

- c) name, breed, description, health, dog license number, vaccination information and micro-chip number if available;
- d) the dates of arrival and departure of all dogs;
- e) for breeding kennels; breeding and identification records of all whelping bitches/queens, stud dogs/, and resulting litter records;
  - ii. No bitch or queen shall be mated if it is less than 18 months old;
  - iii. No bitch or queen shall give birth to more than six (6) litters; and
  - iv. No bitch or queen shall have more than two (2) litters per licensing year up to twelve (12) weeks of age.
- f) Such records shall be kept for a minimum of twenty-four (24) months after the canine has left the kennel; and shall ensure the records are available for inspection by the Township during business hours.
- g) All kennels shall maintain written policies on animal care and kennel operation that shall include procedures for illness, injury, death, transportation, and emergency phone numbers which shall be posted and accessible to kennel owners and staff at all times.

## **9. EXEMPTIONS**

### **9.1 No license shall be required for;**

- a) an animal shelter operated by or on behalf of the Township, or a public authority;
- b) a publicly funded educational institute;
- c) an animal shelter operated by a branch or affiliate of the Ontario Society for the Prevention of Cruelty to Animals;
- d) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- e) a facility in which animals are placed for care pursuant to the Pounds Act, R.S.O. 1990, c. P.17; and
- f) a location or premises in the Township where the dog(s) at that location are individually licensed with a dog tag and owned by a person residing at the property, only where there number of dogs kept is not more than three (3).

### **9.2 Existing Kennels**

- a) Any kennel that lawfully existed prior to the effective date of this by-law shall be deemed to comply with this by-law and may be maintained or repaired to the same location, height and dimensions as previously existed.

- b) Notwithstanding the above, where an existing kennel is replaced or substantially altered, the replacement and or, alteration shall be constructed in accordance with this by-law.

## **10. REVOCATION AND SUSPENSION**

The Clerk or designate may suspend a license if the licensee fails to comply with any provision of this by-law and such non-compliance is not remedied within the given time-line, following notice from the Township specifying the particulars of the noncompliance, and has the authority to revoke the license if necessary.

## **11. ENFORCEMENT**

### **11.1 Inspection**

- a) An Officer, upon producing the appropriate identification, may enter on to land and inspect any lands to determine whether the provisions of this by-law, an order, or notice issued under this by-law or a condition of the licence issued under this by-law have been complied with.
- b) For the purposes of an inspection, an officer may:
  - v. require the production for inspection of any document or things relevant to the inspection;
  - vi. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - vii. require information from any person concerning a matter related to the inspection;
  - viii. alone, or in conjunction with a person possessing special or expert knowledge make examination or take tests, samples or photographs necessary for the purposes of the inspection; and
  - ix. upon request, a licensee shall provide an officer with medical reports for any animal.
- c) No person shall withhold, destroy, conceal or refuse to furnish any information or thing required by an officer for the purposes of an inspection.
- d) No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an officer.
- e) The Clerk, Officer and other agencies as the Clerk or officer deem necessary may at any reasonable time inspect:
  - i. any premises or place where a business which is subject to this by-law is carried on or where there are reasonable or probable grounds to believe a business is being carried out on;



- ii. any goods, equipment, book, record or documents used or to be used by the licensee in relation to a license issued under this by-law.

## 11.2 Obstruction

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law. Offence and Penalty

It shall be an offence to obstruct or permit the obstruction of such inspection.

Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. c. P. 33

Every person who contravenes any of the provisions of this by-law, and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a maximum penalty of \$25,000 for a first offence and \$50,000 for any subsequent offence.

Where a corporation is convicted of an offence under this by-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.

On conviction, a person may be liable.

- i. Upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
- ii. ii. upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
- iii. iii. upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
- iv. Upon conviction of a multiple offence, for each offence included in the multiple; and
- v. offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

## 11.3 Collection of Unpaid Fines

Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of a business licensing by-law remains unpaid after the fine becomes due and payable under section 66 and 69 of the Provincial Offences Act, RSO 1990, c.p.33, including any extension of time for payment ordered under that section, the Clerk or designate may give the person against whom the

fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified on the notice, the fine is deemed to be unpaid taxes purposes of section 351 of the Municipal Act and may be added to the person's tax roll and collected in the same manner as property taxes.

## **12. Severability**

- a) If any section or sections of this By-law, or parts thereof are found by any court of competent jurisdiction to be illegal or beyond the power of the Township to enact, such section or sections or parts thereof shall be deemed to be severable from this By-law and all remaining sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be properly enacted and to be of full force and effect.
- b) In the event of a conflict between any provision of this by-law and any applicable Act or regulation, the provision that is the most restrictive prevails.
- c) THAT Schedule "A" Part 1 Provincial Offences Act, attached hereto shall form part of this By-law.

## **ENACTMENT**

**THAT** the provisions of this By-law shall take full force and effect on the day of its passing.

**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 11th day of December, 2024.

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**Scott W. Anderson, Mayor**

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**Robin Reid, Clerk**

**Schedule “A” to By-law 2024-0XX**

PART 1 *PROVINCIAL OFFENCES ACT*

PAGE 1

TOWNSHIP OF ADJALA-TOSORONTIO  
BY-LAW 2024-0XX – “KENNEL BY-LAW”

A By-law to Provide for the Licensing and Regulation of Kennels within the Geographical Boundaries of the Township of Adjala-Tosorontio and to Repeal By-law 05-08

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Operate a Kennel without a Licence	2.1 (b)	\$400.00

NOTE: The penalty provisions for offences listed above are Section 11.2 of By-law 2024-0XX, certified copy of which has been filed.