

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NO. 47/2019

BEING A BY-LAW TO REGULATE DOGS AND LICENCE DOG KENNELS AND TO REPEAL BY-LAW NO. 31/2017 and BY-LAW 38/2107

WHEREAS Section 8(3) of the *Municipal Act* provides that a by-law under Section 11 respecting a matter may: a) regulate or prohibit respecting the matter; b) require Persons to do things respecting the matter; and, c) provide for a system of licences respecting the matter.

AND WHEREAS Section 103 (1) of the *Municipal Act* provides that municipalities may pass By-laws with respect to the being at large or trespassing of animals and the seizure, impounding and sale of such at large or trespassing animals within the municipality;

AND WHEREAS Section 20 of the *Animals for Research Act*, R.S.O. 1990, Chapter A.22, as amended, provides for rules and regulations for the keeping of dogs in a municipal pound;

AND WHEREAS *Ontario Regulation 557*, R.R.O. 1990, of the *Health Protection and Promotion Act*, R.S.O. 1990, Chapter H.7, as amended, provides for the isolation of animals suspected of being carriers of rabies, at municipal expense;

AND WHEREAS the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O., 1990, Chapter O.36, as amended, provides special powers to help animals in distress;

AND WHEREAS Section 11 of the *Dog Owners' Liability Act*, R.S.O. 1990, Chapter D.16, as amended, (the "DOLA") provides that where there is a conflict between provisions of DOLA and a by-law passed by a municipality relating to pit bulls, the provision that is more restrictive in relation to the control or bans on pit bulls prevails;

AND WHEREAS Section 12 of DOLA names Municipal Law Enforcement Officers as Peace Officers under DOLA;

AND WHEREAS it is considered desirable to pass a by-law relating to animal control within the Township of Wellesley.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLESLEY ENACTS AS FOLLOWS:

SHORT TITLE:

This By-law may be cited as the Dog and Dog Kennel By-law.

1. DEFINITIONS:

- 1.1. **"Animal Control Officer"** shall mean a Municipal Law Enforcement Officer, a Provincial Offences Officer, or Person(s) appointed by the Township to carry out the provisions of this By-law.
- 1.2. **"Blind Person"** shall mean a person to whom an identification card has been issued by the Attorney-General, or his/her designate, pursuant to the provisions of Section 4 of the *Blind Persons' Rights Act*, R.S.O. 1990, c. B.7 (the "*Blind Persons' Rights Act*").
- 1.3. **"Body Length"** shall mean the length of the dog measured from the point of the nose to the tip of the fully extended tail when the dog is fully stretched out.

- 1.4. **"Breeding Kennel"** shall mean a Kennel used for the purpose of breeding dogs.
- 1.5. **"Clerk"** shall mean the Clerk of the Township.
- 1.6. **"Control"** shall mean that a dog is on a leash, under the control of a responsible Person, or is otherwise physically restrained. Sound or voice commands are not deemed control under this by-law.
- 1.7. **"Council"** shall mean the Council of the Township.
- 1.8. **"Crossbred"** shall mean a dog whose sire and dam are of two different breeds.
- 1.9. **"Dog Canvasser"** shall mean a person employed by the Township to distribute and collect fees for Dog Licences and collect data for maintaining the dog database.
- 1.10. **"Dog Licence"** shall mean a licence issued for dogs pursuant to this by-law.
- 1.11. **"Farm Dog"** shall mean that a dog is classified as a farm dog only when herding farm animals, i.e., cattle, sheep, etc.
- 1.12. **"Fees and Charges By-law"** shall mean the current Fees and Charges By-law of the Township, as amended and replaced from time to time.
- 1.13. **"Guide Dog or Service Dog"** shall mean a dog required as a guide for a blind person and having the qualifications prescribed by the regulations under the *Blind Persons' Rights Act* or a dog required by the person for reasons relating to his or her disability as defined under *Ontario Regulation 429/07* under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c.11.
- 1.14. **"Health Unit"** shall mean the Region of Waterloo, Public Health.
- 1.15. **"Hunting Dog"** shall mean a dog used primarily for the purposes of hunting.
- 1.16. **"Kennel"** shall mean a place which is used to house, groom, breed, board, train, sell or keep more than three (3) dogs, but shall not include an animal hospital, pet store or animal shelter.
- 1.17. **"Kennel Licence"** shall mean a licence issued by Council for the operation of a Kennel pursuant to this by-law.
- 1.18. **"Livestock"** shall mean livestock as defined by the Township's Zoning By-law, currently being By-law 28/2006, as amended and replaced from time to time.
- 1.19. **"Microchip"** shall mean an object which may be permanently implanted in a dog by injection or surgical procedure, which is programmed to store a unique and permanent identification number and is capable of using radio-frequency signals to relay the stored information to a scanning device; **"microchipped"** shall have a corresponding meaning.
- 1.20. **"Municipal Law Enforcement Officer"** means a police officer, municipal law enforcement officer of the Township appointed by Council pursuant to s. 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended and any other public officer engaged in the enforcement
- 1.21. **"Officer"** shall mean an Animal Control Officer.

- 1.22. **"Owner"** shall, when used in relation to a dog, include a Person who owns, keeps, possesses or harbours the dog and, where the owner is a minor, the person responsible for the custody of the minor. This definition shall include a Person who is temporarily the keeper of the dog. The terms "owns" or "owned" shall have a corresponding meaning.
- 1.23. **"Person"** shall mean an individual, partnership, corporation, business entity, trust, association, club or other entity to whom the context can apply.
- 1.24. **"Police Work Dog"** shall mean a dog trained to aid law enforcement officers and which dog is actually being used for law enforcement purposes, such as the protection of the public, including the investigation of crime and the apprehension of criminals.
- 1.25. **"Pound"** shall mean such premises and facilities designated by the Township for the purposes of impounding and caring for animals that are in violation of the by-law and taken up by the Township.
- 1.26. **"Poundkeeper"** shall mean a Person or agency designated by the Township to administer the Pound.
- 1.27. **"Provincial Offences Officer"** shall mean an individual designated as such under the *Provincial Offences Act*, R.S.O. 1990 c. P.33.
- 1.28. **"Purebred"** shall mean a dog registered, or eligible for registration, with an association incorporated in accordance with the *Animal Pedigree Act*, R.S.C. 1985, c. 8 (4th Supp.).
- 1.29. **"Recognized Breed"** shall mean a breed in accordance with the *Animal Pedigree Act*, R.S.C. 1985, c. 8 (4th Supp.).
- 1.30. **"Township"** shall mean The Corporation of the Township of Wellesley.
- 1.31. **"Whelping Bitch"** shall mean a female dog which is preparing to give birth, is going into labour, or is birthing puppies.
- 1.32. **"Whelping Box"** shall mean a box constructed to protect puppies during birth.

2. **ANIMAL CONTROL OFFICERS:**

- 2.1. Council may appoint an Animal Control Officer(s) whose duties shall include:
 - a) issuing fines with respect to violations of this by-law;
 - b) maintaining accurate records of all licences issued pursuant to this by-law; such records must include the Owner's name, address, the serial number of the dog tag licence and copies of documents produced showing proof of rabies vaccination and proof of breed;
 - c) providing to Council quarterly reports outlining their activities, such as complaints and fines issued;
 - d) inspecting licensed Kennels once per year, as a minimum or more frequently as required;
 - e) seizing and impounding dogs found to be running at large; and,
 - f) carrying out any other provisions of this by-law as required.

3. DOGS RUNNING AT LARGE:

- 3.1. No Owner of a dog shall permit their dog to run at large in the Township or fail to prohibit their dog from running at large.
- 3.2. A dog is deemed to be running at large if found in any place other than the premises of the Owner of the dog, and not under the Control of any Person.
- 3.3. A dog shall not be considered running at large if it is:
 - a) a Guide Dog;
 - b) a Service Dog;
 - c) a Police Work Dog;
 - d) a Hunting Dog; or,
 - e) a Farm Dog;providing it is actively engaged in the performance of its trained duties.
- 3.4. Any dog running at large may be captured by a police officer or an Animal Control Officer and impounded at the Pound in accordance with the provisions outlined in Section 4 of this By-law.
- 3.5. An Animal Control Officer may enter on any public property, or private property, for the purpose of capturing any dog running at large.
- 3.6. Any Person may capture any dog that is running at large on his/her property and deliver the same to an Animal Control Officer or police officer, who may impound the said dog.
- 3.7. Where an Animal Control Officer impounds or otherwise detains a dog found running at large, contrary to the provisions of this by-law, and the Owner of the dog is known, the Officer shall return the dog to the owner.

4. IMPOUNDMENT:

- 4.1. It shall be the duty of an Animal Control Officer, or their designate, to capture dogs found running at large and return them to the Owner's habitual residence, if known, or to impound the dog in the Pound, when practical.
- 4.2. The Owner has the right to redeem the dog within four (4) days from the time of impoundment, exclusive of Sundays and holidays and the day of impoundment, by paying to the Township a poundage fee. In the event the dog is not redeemed within four (4) days as aforesaid, the dog shall become the property of the Township who may sell it or otherwise resettle it as deemed fit. In either event aforesaid, no damages or compensation shall be recovered on account of the dog being sold or otherwise resettled.
- 4.3. Where a dog is impounded, the Owner, if known, shall be liable for the payment of the pound fee, the boarding fee, and any applicable euthanasia and disposal fees, and shall pay all fees on demand to the Pound.
- 4.4. The proceeds from any dog sold by the Poundkeeper shall belong to the Pound.

- 4.5. Where an injured dog is impounded or detained for running at large and requires the immediate services of a qualified veterinarian, the Township, or its Officer, may deliver the injured dog to a qualified veterinarian for care and shall notify the Owner, if known. If it is in the opinion of the veterinarian the dog is ill or injured and is incapable of being so cured or healed as to live Thereafter without suffering, the veterinarian may order the dog to be euthanized in accordance with the laws of Ontario.
- 4.6. Where an injured dog has been delivered to a qualified veterinarian for care pursuant to section 4.5, the Owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the Owner or any other Person.
- 4.7. Where a dog is alleged to have bitten any Person or domestic animal, such dog may be impounded and held by the Pound until proceedings under DOLA have been followed.

5. DOG BITES OR ATTACKS:

- 5.1. a) Where a dog has, or is alleged to have, bitten or attacked a Person or domestic animal, the Owner of the dog shall ensure that the dog is muzzled and leashed while the dog is on any property in the Township and on the premises of the Owner, if so ordered by an Animal Control Officer or another duly appointed officer. Such order shall set out the conditions of muzzling.
- b) The Owner of the dog for which an order has been issued pursuant to section 5.1 (a) shall at all times comply with the provisions of the order in its entirety.
- (c) The Owner of the dog for which an order has been issued pursuant to section 5.1 (a) shall, at all times when the dog is on the Owner's premises and lands:
 - 1) keep the dog confined within the premises; or,
 - 2) keep the dog in an enclosed pen of sufficient construction and dimension: to provide humane shelter for said dog, to prevent the said dog from escaping, and to prevent the entry into the pen of unsupervised children.
- (d) The order issued pursuant section 5.1(a) shall remain in effect unless the order is rescinded or varied by an Animal Control Officer or another duly appointed officer.
- (e) If the Township requires the muzzling of a dog under any circumstance, the Council shall, upon the request of the Owner of the dog, hold a hearing to determine whether or not to exempt the Owner in whole or in part from the requirements.
- 5.2. Notwithstanding section 5.1, where a dog has, or is alleged to have, bitten or attacked a Person or domestic animal, the Township may commence proceedings against the Owner of the dog under DOLA.

6. RESTRICTED PIT BULLS:

- 6.1. Every Person who is the Owner of a restricted pit bull, as defined within DOLA, section 7 (1), shall cause the dog to be registered with an Animal Control Officer or designate, within two (2) days of owning the restricted pit bull. Registration of restricted pit bulls is in addition to the annual licensing of said dog.

7. LICENSING OF DOGS (TAGS):

- 7.1. Every Person who is the Owner of a dog shall:
- a) within 21 days after the dog comes into his or her possession; or,
 - b) after the dog has reached the age of 12 weeks, whichever is the later, cause the dog to be licensed for a period which will expire on the 31st day of December in each year in which the same was issued.
- 7.2. Every Person residing within the Township being the Owner of a dog shall, on or before the 31st day of March in each and every year, cause such dog to be registered with the Township and shall obtain a licence. Such licence shall expire on the 31st day of December in each year in which the same was issued.
- 7.3. An annual licence fee shall be collected and enforced by the Township from the Owner of a dog or the owner of a Kennel in the Township. The licence fee shall be as set out in the Fees and Charges By-law, as amended from time to time.
- 7.4. A record shall be kept by the Township showing the name and address of the Owner and the serial number of the dog tag.
- 7.5. Every Owner shall cause the dog tag to be securely affixed on the dog at all times. The dog tag shall bear: 1) a serial number, and 2) the year the dog tag was issued. The dog tag shall be supplied by the Township, or designate, upon the payment of the licence fee.
- 7.6. No Person shall remove the dog tag from a licensed dog, except for a Hunting Dog, providing it is actively and legally engaged in hunting.
- 7.7. In the event a dog tag is lost, an Owner shall apply for a replacement dog tag and shall pay the fee as set out more particularly in the Fees and Charges By-law.
- 7.8. Upon application for a Dog Licence, the Township shall require the Owner to produce a certificate, signed by a practicing veterinarian, that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) or thirty-six (36) months, dependent on the type of vaccination received, immediately preceding the date of the application for the licence. The certificate shall include:
- a) the identity of the dog,
 - b) the breed, gender, colour, and weight of the dog,
 - c) the name of the licensed rabies vaccine (trade name), and
 - d) the serial number and duration of the validity (up to 3 years) of the vaccine. If a validity date does not appear on the certificate, it will be considered a one-year vaccine.
- A veterinarian may also certify that a vaccination is currently effective based on antibody titre tests that show the dog has effective immunity.
- 7.9. If required, the applicant for a license for a spayed female or neutered male dog shall produce a certificate from a qualified veterinarian that such dog has been spayed or neutered.
- 7.10. No Dog Licence shall be transferable.

- 7.11. An Owner of a Guide Dog, Service Dog or Police Work Dog, upon providing proof that the dog has been trained and certified as such, shall be granted an exemption to the licence fee.
- 7.12. Any resident that acquires a dog on a temporary basis, and resides at that residence for more than one (1) month, shall be required to have said dog licenced and pay a fee established under the Fees and Charges By-law.
- 7.13. A Senior Citizen (age 65 or more) shall be eligible for a fifty percent (50%) reduction in the license fee under the Fees and Charges By-law.

8. LICENSING OF KENNELS:

- 8.1. Kennel Licences shall only be issued by Council for all new and expanded Kennels, which may be subject to certain conditions, as determined and imposed by Council. The aforesaid conditions imposed by Council shall remain in full force and effect until Council agrees to change the conditions.
- 8.2. An application for a Kennel Licence shall be submitted to the Township in the proper form, including a detailed site plan and the appropriate fee.
- 8.3. Applications for a new Kennel Licence in the Township will only be permitted where Purebred/registered/recognized breeds are being maintained.
- 8.4. New Kennel Licences shall only be issued by Council once the Council is satisfied that the site plan required in subsection 8.2 has been completed in accordance with the specific standards for Kennels contained in this by-law.
- 8.5. Conditional Kennel Licences may be granted by the Clerk when a change of ownership occurs, within the corporate limits of the Township, subject to the following process:
 - a) an application fee shall be established under the Fees and Charges By-law;
 - b) a written request shall be submitted to the Clerk along with the appropriate application fee; and,
 - c) the conditional licence shall be subject to the closing transaction of the property.
- 8.6. All Kennel Licences shall be valid for a one-year period commencing on the date of issuance (typically January 1st) and expiring on December 31 of the same year.
- 8.7. Every owner of a Kennel shall pay an annual licence fee in accordance with the provisions of the Fees and Charges By-law.
- 8.8. Any new Kennels:
 - a) notwithstanding section 17.1, may contain a maximum number of thirty-five (35) dogs, subject to compliance with the requirements contained in this by-law.
 - b) may only license, keep or raise Purebred/registered or recognized breeds of dogs;
 - c) may keep Crossbred dogs provided that a minimum of five (5) Purebred dogs are maintained in the Kennel as part of the maximum thirty-five (35) dogs.
- 8.9. Unsold puppies will be counted towards the total number of dogs kept at a Kennel upon reaching four (4) months of age.

- 8.10. A Kennel Licence issued prior to this by-law coming into effect is subject to certain conditions imposed by Council, those conditions shall remain in full force and effect, unless and until changed by Council.
- 8.11. Notwithstanding subsection 8.11, a Kennel existing on the day of passing of this by-law may continue to house the existing number of dogs, or the number of dogs permitted as a condition of Council.
- 8.12. After having given notice in writing, the Township may, at any time, cancel a Kennel Licence when it is of Council's opinion that the continued operation of the Kennel is not in the best interest of the Township. Such grounds for cancellation shall include but are not limited to: unresolved problems with noise, sanitation, care of dogs, and uses other than permitted by the Kennel Licence.
- 8.13. The written notice described in subsection 8.13 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the Kennel. Service by prepaid registered mail shall be deemed served upon receipt of service.
- 8.14. Each Kennel must conform to the provisions of the Zoning By-law and no Kennel, run, pen or exercise yard shall be erected contrary to the provisions of such Zoning By-law.
- 8.15. The owner or operator of a Kennel shall erect and install a fence, with minimum height of four (4) feet, around every pen, run or exercise yard. Such fence is to be constructed to prevent visibility from the exterior and to provide acoustical barriers where necessary, as determined by the Township.
- 8.16. No more than one kennel per property will be allowed.
- 8.17. No Kennel shall be located within a minimum of one hundred fifty (150) metres (492 feet) of any adjacent habitable building, building used for the keeping of Livestock or any road allowance, excluding buildings of the owner of the property on which the Kennel is located. The Kennel facility must be separate from all other facilities. Separate from all other facilities shall mean:
 - a) a separate entrance way;
 - b) a solid wall, of impermeable material, separating the Kennel facility from habitable facilities or facilities used for the keeping of livestock; and,
 - c) separate ventilation and duct work.
- 8.18. No Person shall operate a Kennel except in accordance with the terms and conditions of the Kennel Licence issued by the Township.
- 8.19. No Person shall operate or continue to operate a Kennel without a valid licence.
- 8.20. No licence will be issued or renewed to any Kennel operator that does not comply with this by-law.
- 8.21. No person shall operate a kennel unless he/she is the owner of the property on which the kennel is located

9. KENNEL CONDITIONS:

- 9.1. Every Person who owns and operates a Kennel shall construct the Kennel facilities in accordance with the following regulations:
- a) No animal shall be kept in unsanitary conditions including an accumulation of feces, odour, insect or rodent infestation.
 - b) The Kennel building shall have floors and walls made of sealed concrete or other impermeable material (including rigid plastic); wire floors will not be permitted.
 - c) The floor of the Kennel building shall be self-draining with a maximum five (5) minute drain time.
 - d) The yards and runways associated with Kennel operation shall be completely enclosed with a fence as required in subsection 8.16 of this By-law.
 - e) Every Kennel shall be properly equipped with accessible fresh water and adequate feed both in clean, properly sized containers to maintain animals in a healthy condition.
 - f) Every Kennel shall be provided with adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions.
 - g) Every Kennel shall be provided with adequately shaded, open air runs, properly fenced to maintain control of the dogs and with adequate space to accommodate the breed of dog being housed.
 - h) Every Kennel shall be constructed to provide the following individual pen minimum space per dog:
 - i. less than 12 kgs: 1.0 sq. metre per dog
 - ii. 12 to 30 kgs: 2.0 sq. metre per dog
 - iii. 31 to 50 kgs: 2.5 sq. metre per dog
 - iv. more than 50 kgs: sufficient space for the animal to stretch or stand to its full body height and full Body Length (minimum 2.5 sq. metre per dog)
 - i) All kennels shall have audible and monitored smoke and CO alarms.
 - j) Fire extinguishers shall be placed in the kennel for easy access in case of an emergency.
 - k) The kennel operator is responsible for the animals in their breeding program from the time they are acquired until retirement from the breeding program. Each kennel operator must have a general plan or a unique plan for each animal, and this plan should detail maximum breeding age or maximum number of litters, and other specific situations that would trigger retirement from the breeding program. Acceptable ways to retire an animal from the breeding program include spay/neuter and being kept by the kennel operator as a pet, or spay/neuter and placing with a qualified family as a pet. Unacceptable ways to retire an animal from the breeding program include medically unnecessary euthanasia or surrender to a shelter, humane society or rescue group.

10. BREEDING KENNEL CONDITIONS:

- 10.1. Every Breeding Kennel owner or operator shall maintain accommodations, separate from the balance of the dogs in the Kennel, for a Whelping Bitch. The accommodations shall be a minimum of 2 ½ times the size of the Whelping Bitch.
- 10.2. A Whelping Box shall be constructed for the Whelping Bitch with four sides and floor made from impermeable materials. Within the Whelping Box, breed specific measures should be taken to prevent accidental suffocation of the puppies by the Whelping Bitch.
- 10.3. Adequate supplemental heat shall be provided.
- 10.4. All Breeding Kennels shall provide sufficient designated space for the proper enrichment and socialization of puppies to be offered for sale.
- 10.5. Every Breeding Kennel owner or operator shall provide a separate outdoor run for the Whelping Bitch to prevent transfer of diseases from other adult dogs to the puppies.
- 10.6. No dog, male and/or female shall be used for breeding until they reach 1 (one) year of age and the dog shall be retired once they reach 8 (eight) years of age. After a female dog reaches 6 (six) years of age, the kennel operator shall provide the Animal Control Officer with written notification from a qualified veterinarian that the dog is in good health and that to continue breeding would not compromise the health of the dog.
- 10.7. All adult breeding dogs shall receive annual veterinarian checks with required immunizations as per veterinarian recommendations. The records of such immunizations shall be kept by the kennel owner and made available to the Animal Control Officer upon request. Full medical disclosure shall be made by the breeder when breeding dogs are being sold an/or adopted out of the kennel.

11. RECORDS:

- 11.1. Every Person who operates a Kennel shall maintain records of the following minimum information:
 - a) The names and addresses of the Owners of all dogs cared for at the Kennels;
 - b) The dates of arrivals and departures of the individual dogs from the Kennels;
 - c) Breeding and identification records of all Whelping Bitches and stud dogs and the resulting litters;
 - d) The names and addresses of the purchasers of the individual puppies; and,
 - e) Veterinarian records on individual dogs maintained in the Kennel.

12. KENNEL INSPECTIONS/POSTING OF LICENCE:

- 12.1. Every Person who holds a Kennel Licence or the owner/operator of the Kennel shall, at all reasonable hours, be open to inspection by an Animal Control Officer, an inspector from the Ontario Society for the Prevention of Cruelty to Animals (the "OSPCA"), or any other such Person trained in the area of disease control and sanitation as may be appointed by the Council. Licencing inspections will be conducted annually.

Additional inspections may be conducted throughout the year as deemed necessary by the Animal Control Officer, an Inspector from the Ontario Society for the Prevention of Cruelty to Animals (the "OSPCA"), and/or any other such Person trained in the area of disease control and sanitation as may be appointed by the Council.

- 12.2 Every Person who holds a Kennel Licence or the owner/operator of the Kennel shall keep the licence posted in a conspicuous place on the premises and shall, when so requested by any Person authorized by the Township, produce such licence for inspection.

13. CODE OF PRACTICE FOR CANADIAN KENNEL OPERATIONS:

- 13.1. Every Person who owns or operates a Kennel shall comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" (Canadian Veterinary Medical Association, Third Edition 2018), as amended.

14. COMPLAINTS:

- 14.1. In the event that a complaint is received by the Township that the owner of a Kennel is not in compliance with the minimum standards set out in Section 9 of this By-law:
- a) an Animal Control Officer shall be directed to investigate the matter and prepare a report to the Township;
 - b) upon receipt of the Officer's report, the Township may request, at the owner's expense, that the OSPCA or veterinarian re-inspect and provide an up-to-date approval of the Kennel; and
 - c) in the event that the owner is found in contravention of this by-law and the owner is unable or unwilling to comply with the provisions of Section 9, the Animal Control Officer shall commence proceedings to revoke the License under section 15 of the by-law.

15. REVOCATION OF LICENSE:

- 15.1. Any Kennel License issued under the provisions of this by-law may be revoked prior to expiration for any breach of the provisions of this by-law on being given thirty (30) day written notice.
- 15.2. Prior to the revocation of the Kennel License, the Animal Control Officer shall give Notice in writing to the owner by regular mail or personal delivery.

16. DOG WASTE:

- 16.1. Every Person who owns, harbours, possesses or is in control of any dog within the Township shall remove forthwith and dispose of, in a sanitary manner, any excrement left by the dog on any property other than the premises of the Owner of the dog.
- 16.2. A Blind Person with a Guide Dog or special needs person with a Service Dog are exempt from the provisions of subsection 16.1.

17. MISCELLANEOUS MATTERS:

- 17.1. Subject to the provisions of this by-law, no owner or occupier of a premises shall keep more than three (3) dogs on the premises. For the purpose of this paragraph, puppies that have not been weaned shall not be counted in determining the number of dogs on the premises. The provisions of this section do not apply to:
- a) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinary Association;

- b) a pet store; or,
 - c) an Ontario Humane Society Shelter or the Pound which complies with this By-law.
- 17.2. All puppies, prior to final sale from the Kennel, shall be microchipped and/or tattooed.
- 17.3. All new adult dogs entering into the Kennel must be accompanied by a letter from a qualified veterinarian stating the dog has been examined and has no health issues and in acceptable body form.
- 17.4. All dogs, being adopted and/or sold from the Kennel, must be certified by a qualified veterinarian to be healthy with no issues including teeth, weight, eyes etc. The Kennel must keep all records of such adoptions and sales for review by the Animal Control Officer.
- 17.5. No Owner of a dog shall permit the dog to make noise likely to disturb the inhabitants of the Township.
- 17.6. Dogs shall only be euthanized by a qualified veterinarian pursuant to the laws of Ontario.
- 17.7. Every Person who holds a Kennel Licence or the operator of a Kennel shall not admit a dog into the Kennel unless it is immunized against distemper, hepatitis, rabies, parvovirus, para influenza and bordatella. If a veterinarian confirms that a Kennel has an outbreak of distemper, hepatitis, rabies, parvo virus, or any infectious or contagious disease, the Kennel may be closed forthwith by an Animal Control Officer, the OSPCA, the Chief Building Official, or his/her designate under the *Building Code Act 1992*, S.O. 1992, c. 23, the Health Unit or such other Person as may be appointed by Council and/or a police officer and the licence suspended. The Kennel may reopen and have its licence reinstated by Council upon a written report from the veterinarian that danger of disease is past.
- 17.8. The owner, operator, and/or manager of the Kennel shall reside on the property on which the Kennel is located.
- 17.9. Dogs shall reside on the property at which it is licensed/registered.

18. LIABLE FOR DAMAGE:

- 18.1. The Township, its agents and servants shall not be liable for damages or compensation for any dog euthanized under the provisions of this by-law and no such damages or compensation shall be paid to any Person.

19. PENALTY PROVISIONS:

- 19.1. Pursuant to section 425 of the *Municipal Act*, every Person who contravenes any of the provisions of this by-law is guilty of an offence and shall upon conviction be liable to a fine set herein.
- 19.2. Pursuant to section 429 of the *Municipal Act*, every Person convicted of an offence is liable to a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.
- 19.3. Notwithstanding section 19.2, every corporation convicted of an offence is liable for a maximum fine of Fifty Thousand Dollars (\$50,000.00) for the first offence and One Hundred Thousand Dollars (\$100,000.00) for a subsequent offence.

- 19.4. Notwithstanding section 19.2 and 19.3, every person convicted pursuant to this by-law is liable to a set fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

20. OUTSTANDING FEES AND CHARGES

- 20.1. Pursuant to s. 398 of the *Municipal Act*, if any part of a fee imposed pursuant to this by-law remains unpaid after the fee becomes due and payable, the Township may add the outstanding fees to the tax roll for any property owned by the Person and collect them in the same manner as taxes.

21. SEVERABILITY:

- 21.1. Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions shall remain in full force and effect.

22. GRANDFATHERING:

- 22.1 Section 10.5 of this by-law shall not apply to an existing kennel if in lawful existence prior to the effective date of this by-law, until such time as an application comes forward for an alteration or expansion then shall be constructed in accordance with this by-law and applicable legislation.

23. EFFECTIVE DATE:

- 23.1. This by-law will come into force and effect upon the passing of this by-law by Council.

24. REPEAL

- 24.1. By-law No. 31/2017 and 38/2017 will be repealed on the date this by-law comes into force and effect.

25. TRANSITION

- 25.1 Notwithstanding section 23.1, the set fines will come into force and effect upon the final approval of the set fines schedule by the Chief Justice, or designate, of the Ontario Court of Justice pursuant to Part 1 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended. The set fines schedule, as approved, is attached hereto as Schedule “B” and forms part of this by-law.
- 25.2 By-law number 31/2017 and 38/2017, of the Township and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law comes into force and effect
- 25.3. Notwithstanding Section 25.2, the provisions of By-law No. 31/2017 and 38/2017, as amended, is deemed to continue in force and effect with respect to any and all orders, appeals or prosecutions issued, filed or commenced under that by-law and any assessment, rate, charge, tax, fee, liability or penalty outstanding under By-law 31/2017 may be collected as if such by-law had not been repealed.
- 25.4. Notwithstanding Section 25.2, By-law 31/2017 and 38/2017, as amended, is deemed to continue in force and effect with respect to any enforcement under Part I of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, and the set fine schedule as approved by the Chief Justice until such time as the Chief Justice approves the set fine schedule as set out in section 24.2 above.

Read a first and second time this 5th day of November, 2019.

Read a third and final time and passed this 5th day of November, 2019.

Mayor Joe Nowak

Clerk, Grace Kosch

**THE CORPORATION OF THE
TOWNSHIP OF WELLESLEY**

BY-LAW NO. 47/2019

Dog and Dog Kennel By-law

Schedule 'A'

Application Fees	\$	500.00
Application to Expand Fee	\$	300.00
Conditional License Fee	\$	100.00