

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NO. #37/2021

**BEING A BY-LAW TO REGULATE DOGS AND LICENCE DOG KENNELS
AND TO REPEAL BY-LAW NO. 47/2019**

WHEREAS Section 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*"), provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

AND 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 11(1) of the *Municipal Act* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 11(2) of the *Municipal Act* provides that a municipality may pass by-laws respecting the health, safety and well-being of persons as well as the protection of persons and property, including consumer protection;

AND WHEREAS Section 11(3)(9) of the *Municipal Act* provides that a municipality may pass by-laws respecting animals;

AND WHEREAS Section 103(1) of the *Municipal Act* provides that municipalities may pass by-laws regulating or prohibiting with respect to the being at large or trespassing of animals;

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, under 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 *Provincial Animal Welfare Services Act, 2019*, S.O. 2019, c.13, as amended (the "**PAWS Act**"), provides special powers to help animals in distress and harm;

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 the 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 the DOLA names Municipal Law Enforcement Officers as "peace officers" under the DOLA;

AND WHEREAS it is considered desirable to pass a by-law relating to dogs and dog kennels within the Township of Wellesley;

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

1. **SHORT TITLE**

1.1 This by-law may be cited as the “Dog and Dog Kennel By-law”.

2. **DEFINITIONS**

- 2.1 “**Accredited Veterinary Facility**” is as defined in section 1 of the PAWS Act;
- 2.2 “**Animal**” is as defined in section 11.1 of the *Municipal Act*;
- 2.3 “**Animal Control Officer**” shall mean a Municipal Law Enforcement Officer or any other person appointed by the Township to enforce the provisions of this by-law;
- 2.4 “**Blind Person**” is as defined in section 1 of the *Blind Persons' Rights Act*, R.S.O. 1990, c. B.7, as amended;
- 2.5 “**Boarding**” shall mean taking care of a Dog for any period of time for monetary gain;
- 2.6 “**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;
- 2.7 “**Clerk**” shall mean the Clerk of the Township.
- 2.8 “**Control**” shall mean when a Dog is on a leash, under the control of a responsible person, or is otherwise physically restrained and, for greater clarity, sound or voice commands are not deemed ‘control’ under this by-law;
- 2.9 “**Council**” shall mean the Council of the Township;
- 2.10 “**Crossbred**” shall mean a Dog whose sire and dam are of two different breeds;
- 2.11 “**Dog**” shall mean any domesticated canine, male or female, whether neutered or spayed, over the age of twelve weeks;
- 2.12 “**Dog Licence**” shall mean a licence issued by the Township to permit a person to own a Dog or Dogs;
- 2.13 “**Dog Tag**” shall mean a tag issued by the Township evidencing that a Dog Licence has been obtained;
- 2.14 “**Farm Dog**” shall mean that a Dog that is herding farm animals, such as cattle or sheep;
- 2.15 “**Fees and Charges By-law**” shall mean the current Fees and Charges By-law of the Township, as amended or replaced from time to time;
- 2.16 “**Guide Dog**” is as defined in section 1 of the *Blind Persons' Rights Act*, R.S.O. 1990, c. B.7, as amended;
- 2.17 “**Health Unit**” shall mean Region of Waterloo Public Health and Emergency Services;
- 2.18 “**Hunting Dog**” shall mean a Dog that is being used for the purposes of hunting;
- 2.19 “**Kennel**” shall mean a building, structure or other facility, or any part thereof, which is used for Boarding, grooming, rescuing, showing, training, housing, breeding, or keeping of more than three (3) Dogs, but shall not include an Accredited Veterinary Facility, an animal hospital, pet store or animal shelter;

- 2.20 “**Kennel Licence**” shall mean a licence issued by Council for the operation of a Kennel pursuant to the provisions of this by-law;
- 2.21 “**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;
- 2.22 “**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;
- 2.23 “**Municipal Law Enforcement Officer**” means a person appointed by Council pursuant to s. 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- 2.24 “**Operator**” means any owner or operator of a Kennel;
- 2.25 “**Order**” means an order pursuant to Section 7.2 of this by-law;
- 2.26 “**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;
- 2.27 “**Pit Bull**” is as defined in section 1 of the DOLA;
- 2.28 “**Police Work Dog**” shall mean a Dog trained to aid law enforcement and which is actually being used for law enforcement purposes, such as the protection of the public, including the investigation of a crime or the apprehension of actual or alleged criminals;
- 2.29 “**Pound**” is as defined in section 1 of the *Animals for Research Act*, R.S.O. 1990, Chapter A.22, as amended;
- 2.30 “**Poundkeeper**” shall mean a person or agency who administers a Pound;
- 2.31 “**Provincial Animal Welfare Services Inspector**” means an animal welfare inspector appointed pursuant to section 5 of the PAWS Act;
- 2.32 “**Provincial Offences Officer**” is as defined in section 1 of the *Provincial Offences Act*, R.S.O. 1990 c. P.33, as amended;
- 2.33 “**Puppy**” shall mean any dog, male or female, twelve weeks of age or younger;
- 2.34 “**Purebred**” is as defined in section 2 of the federal *Animal Pedigree Act*, R.S.C. 1985, c. 8 (4th Supp.), as amended;
- 2.35 “**Restricted Pit Bull**” is as defined in section 7 of the DOLA;
- 2.36 “**Service Animal**” is as defined in section 80.45 of Ontario Regulation 191/11 entitled “Integrated Accessibility Standards” under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11, as amended;
- 2.37 “**Township**” shall mean The Corporation of the Township of Wellesley;
- 2.38 “**Veterinarian**” is as defined in section 1 of the PAWS Act;
- 2.39 “**Whelping Bitch**” shall mean a female Dog which is preparing to give birth, is going into labour or is birthing puppies;
- 2.40 “**Whelping Box**” shall mean a box constructed to protect puppies during the birthing process; and,

2.41 “**Zoning By-law**” shall mean the Township’s Zoning By-law, currently being By-law 28/2006, as amended.

3. ANIMAL CONTROL OFFICERS

Appointment of Animal Control Officers

3.1 Council may appoint Animal Control Officers, at any time, whose duties shall include:

- (a) enforcing the provisions of this by-law;
- (b) maintaining accurate records of all licences issued pursuant to this by-law;
- (c) providing quarterly reports to Council outlining their activities;
- (d) inspecting all licensed Kennels, as required;
- (e) seizing and impounding Dogs found to be running at large; and,
- (f) performing any other duty as required by this by-law.

4. DOGS RUNNING AT LARGE

No Dogs Shall Run At Large

4.1 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.

4.2 A dog shall be 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.

4.3 A Dog shall not be considered to be running at large if it is:

- (a) a Farm Dog;
- (b) a Guide Dog;
- (c) a Hunting Dog;
- (d) a Police Work Dog; or,
- (e) a Service Animal;

while actively engaged in the performance of its trained duties.

4.4 Any Dog running at large may be captured by an Animal Control Officer and impounded at a Pound, in accordance with the provisions of this by-law.

4.5 Where an Animal Control Officer impounds a Dog at a Pound, or otherwise detains a Dog found to be running at large, and the Owner of the Dog is known, the Animal Control Officer may return the Dog directly to the Owner, at the sole discretion of the Animal Control Officer.

5. DOG WASTE

5.1 An Owner of a Dog shall remove forthwith, and dispose of in a sanitary manner, any excrement left by their Dog on any property, other than the premises of the Owner, within the Township.

5.2 A Blind Person with a Guide Dog or a person with a disability who is accompanied by a Service Animal are exempt from the provision of Section 5.1 of this by-law.

6. IMPOUNDMENT

Dog Redemption Period

- 6.1 Where a Dog has been impounded at a Pound, the Owner has the right to redeem the Dog within seventy two (72) hours from the time of impoundment, inclusive of Sundays, though exclusive of holidays; and the day of impoundment, by paying to the Township the applicable fees and charges, as outlined in the Fees and charges By-law.

If Dog Not Redeemed Within Redemption Period

- 6.2 In the event a Dog has not been redeemed from a Pound by its Owner within seventy two (72) hours, as outlined in Section 6.1 above, the Dog shall become the property of the Poundkeeper who may sell, resettle or, request the Veterinarian to euthanize the Dog.

Fees and Charges Always Payable

- 6.3 Where a Dog has been impounded at a Pound, and the Owner redeems the Dog at any point beyond the time outlined in Section 6.1 above, the Owner shall pay to the Township the applicable fees and charges, as outlined in the Fees and Charges By-law.

Proceeds of Sale of a Dog

- 6.4 The proceeds of any Dog sold by the Poundkeeper shall belong to the Pound.

When Veterinarian Services Required

- 6.5 Where a Dog has been impounded at a Pound and requires the immediate services of a Veterinarian, the Township, the Poundkeeper, or an Animal Control Officer, may deliver the Dog to a Veterinarian for care and shall notify the Owner, if known. If, in the opinion of the Veterinarian, the Dog is incapable of being cured or healed so as to live thereafter without undue suffering, the Veterinarian may order the Dog to be euthanized in accordance with the laws of Ontario.
- 6.6 Where a Dog has been delivered to a Veterinarian for care pursuant to section 6.5 of this by-law, the Owner of the Dog shall be liable for any and all costs, fees or charges incurred by the Township or the Poundkeeper in relation thereto, or resulting therefrom, and the Township, the Poundkeeper, or an Animal Control Officer, may refuse to release the dog to its Owner until those costs, fees or charges have been paid by the Owner in full.

7. DOG BITES OR ATTACKS

Dogs Shall Not Bite or Attack

- 7.1 No Dog may bite or attack a person or domestic animal.

Issuing an Order

- 7.2 Where an Animal Control Officer is satisfied that a Dog has bitten or attacked a person or domestic animal, an Animal Control Officer may issue an order to the Owner of the Dog requiring that:
- (a) the Dog be muzzled and leashed at certain specified times or locations, or at all times and locations, as specified in the order;
 - (b) the Dog be kept at the Owner's property at certain specified times or locations thereon, or at all times and at any location thereon, as specified in the order; and,
 - (c) the Dog be kept in an enclosed pen of sufficient construction and dimension to provide humane shelter for said Dog at certain specified times, or at all times, as specified in the order.

- 7.3 The Order shall set out:
- (a) reasonable particulars of the Dog bite or attack, including the location where the Dog bite or attack occurred; and,
 - (b) the date by which there must be compliance with the Order.
- 7.4 The Owner of the Dog for which the Order was issued shall, at all times, comply with the provisions of the Order.
- 7.5 Any person who contravenes an Order, is guilty of an offence.

Appeal of an Order

- 7.6 An Owner who considers themselves aggrieved by an Order may apply to Council, in the form prescribed by the Township, for a rescission or variance of the Order.

Expiration of an Order

- 7.7 An Order shall remain in full force and effect unless it is rescinded or varied by an Animal Control Officer or by Council.

Township May Commence DOLA Proceedings

- 7.8 Notwithstanding any other provision of this by-law, where a Dog has, or is alleged to have, bitten or attacked a person or domestic animal, the Township may choose to commence proceedings pursuant to the DOLA.

8. RESTRICTED PIT BULLS

Registration of Restricted Pit Bulls Required

- 8.1 Any Owner of a Restricted Pit Bull shall register the Restricted Pit Bull with an Animal Control Officer within two (2) days of:
- (a) owning a Restricted Pit Bull; or,
 - (b) residing in the Township with a Restricted Pit Bull.

Restricted Pit Bulls Still Require a Dog Licence

- 8.2 Registering a Restricted Pit Bull is in addition to, and does not replace, the annual licensing of the Restricted Pit Bull, as outlined in Section 9 of this by-law.

9. LICENSING OF DOGS

Dog Licences Required for All Dogs

- 9.1 Every Owner of a Dog shall apply for, and obtain, a Dog Licence:
- (a) within twenty one (21) days of owning a Dog; or,
 - (b) if or when a Dog is over twelve (12) weeks of age;

whichever occurs later.

Application for a Dog Licence

- 9.2 Every Owner of a Dog shall, on or before the 31st day of March in each and every year, apply for and obtain a Dog Licence.
- 9.3 An Owner of a Dog shall apply for a Dog Licence in the form prescribed by the Township, which form shall require that the following information be provided:
- (a) the name of the Owner;
 - (b) the address of the Owner;

- (c) the name of the Dog;
- (d) the Dog's gender;
- (e) the breed of the Dog, if known;
- (f) a visual description of the Dog, including its weight and colour;
- (g) the age of the Dog, if known;
- (h) whether the Dog has been spayed or neutered; and,
- (i) a letter or certificate from a Veterinarian, in a form acceptable to the Township, evidencing that the Dog has been inoculated with an anti-rabies vaccine within the preceding twenty four (24) to thirty six (36) months, depending on the type of vaccination previously received.

9.4 An Owner of a Dog shall pay all applicable fees and charges in relation to obtaining a Dog Licence, as set out in the Fees and Charges By-law.

Expiration of a Dog Licence

9.5 A Dog Licence shall expire on the 31st day of December in each year in which the Dog Licence was issued.

Records of Dog Licences

9.6 The Township shall maintain a record of all Dog Licences issued by the Township, which shall include the serial numbers of any Dog Tag.

Dog Tags

9.7 The Township shall provide an Owner of a Dog who has obtained a Dog Licence a Dog Tag, which shall bear a serial number and the year of issuance of such Dog Tag.

9.8 An Owner of a Dog shall ensure that a Dog Tag is securely affixed to the Dog for which the Dog Tag was issued, at all times.

9.9 No person shall remove a Dog Tag from a Dog, except for a Hunting Dog, provided that the Hunting Dog is actively and legally engaged in hunting.

9.10 If a Dog Tag becomes lost or stolen, an Owner shall immediately apply for a replacement Dog Tag on the form prescribed by the Township and shall pay the applicable fees and charges, as set out in the Fees and Charges By-law.

Dog Licences Non-Transferrable

9.11 A Dog Licence is not transferable to another Owner or to another Dog.

Dog Licence Required for Temporary Periods

9.12 A person who keeps, possesses or harbours a Dog on a temporary basis, but for a period of more than thirty (30) days, shall be required to apply for, and obtain, a Dog Licence for the Dog as well as pay the applicable fees and charges, as set out in the Fees and Charges By-law.

Maximum Number of Dogs

9.13 No person shall own, keep, possesses or harbour more than three (3) Dogs in the Township, though Puppies that have not been weaned shall not be counted in determining the number of Dogs a person owns, keeps, possesses or harbours.

9.14 Section 9.13 of this by-law shall not apply to an Accredited Veterinary Facility, an animal hospital, pet store or animal shelter.

9.15 No person may apply for, or obtain, more than three (3) Dog Licences.

10. **LICENSING OF KENNELS**

Kennel Licences Required for All Kennels

- 10.1 No person shall operate, or continue to operate, a Kennel in the Township, at any time, without having a Kennel Licence.

One Kennel Per Property

- 10.2 Only one (1) Kennel Licence shall be permitted per property.

Application for a Kennel Licence

- 10.3 Every Operator shall, on or before the 31st day of March in each and every year, the apply for and obtain a Kennel Licence.

- 10.4 A person may apply for a Kennel Licence by submitting to the Township, in the form prescribed by the Township, the following:

- (a) a detailed site plan drawing, drawn to scale, indicating the following:
 - (i) the property on which the Kennel is to be located;
 - (ii) the location of all buildings, structures, and Dog runs on the subject property;
 - (iii) the location of all buildings, structures, and Dog runs, or parts thereof, to be used as part of the Kennel on the subject property;
 - (iv) the distance which separates the Kennel from:
 - (A) all property lines; and,
 - (B) any buildings or structures on adjacent properties, especially any residential buildings;
 - (v) a floor plan, drawn to scale (min. 3/16" = 1'-0"), of any building, structure, or Dog run being used as part of the Kennel, identifying pens, Dog runs, walkways, exits, fire extinguishers, smoke and carbon monoxide alarms and shall be fully dimensional and labelled;
 - (vi) any sound-producing equipment; and
 - (viii) A separate area to be used for isolation of animals suspected and/or diagnosed of having infectious disease.
- (b) a list of all Dogs to be kept at the subject property, including:
 - (i) the breed of each Dog, including whether the Dogs are Purebred Dogs or not; and,
 - (ii) verification of the current vaccination status of each dog, except where there is evidence that a dog is under four (4) months of age;
- (c) A declaration from the person applying for a Kennel Licence affirming that there is no legal restriction preventing them from owning or caring for Dogs;
- (d) the applicable fees and charges, as outlined in the Fees and Charges By-law.

Mandatory Criteria for All Kennels

- 10.5 A Kennel Licence shall only be issued for a Kennel where Purebred dogs are being kept or maintained.
- 10.6 An Operator must reside at the property on which the Kennel is located.

Council to Consider All Kennel Licences

- 10.7 A Kennel Licence may be considered by Council, once the Township is satisfied that all of the application requirements, as outlined in Section 10.4 of this by-law, have been met.
- 10.8 After receiving a complete application for a Kennel Licence, Council may consider the application and may choose to:
- (a) issue the Kennel Licence;
 - (b) not issue the Kennel Licence; or,
 - (c) issue the Kennel Licence subject to conditions.

Kennels Shall Operate in Accordance with Conditions

- 10.9 No person shall operate a Kennel, except in accordance with the conditions of the Kennel Licence imposed by Council.

Kennel Licences Non-Transferrable

- 10.10 Kennel Licences are not transferrable to another Operator or to another Kennel. If the property on which a Kennel is located is being sold, the purchaser of the subject property shall apply for, and obtain, a Kennel Licence prior to operating a Kennel. No kennel shall be transferred that does not comply with all other requirements of this by-law.

Expiration of Kennel Licences

- 10.11 A Kennel Licence shall expire on the 31st day of December in each year in which the Kennel Licence was issued.

Suspension or Revocation of Kennel Licences

- 10.12 Council may suspend or revoke a Kennel Licence, upon giving thirty (30) days written notice to the Operator, if:
- (a) it is discovered that false or misleading information was provided to the Township in order to obtain a Kennel Licence, or in relation to the ongoing operation of the Kennel;
 - (b) an Operator has contravened, or the Kennel is in contravention of, any of the provisions of this by-law;
 - (c) there is an outbreak of an infections or contagious disease at the Kennel;
- 10.13 The written notice described in Section 10.12 of this by-law shall be delivered via personal service, courier or registered mail to the Operator of the Kennel in question.

Posting of Kennel Licence

10.14 All Kennels shall post their Kennel Licence in a conspicuous place on the premises and shall, when requested by an Animal Control Officer, produce such Kennel Licence for inspection.

Copy of Code of Practice Required

- 10.15 All Operators shall obtain, have regard for, and keep in a Kennel, the following: "A Code of Practice for Canadian Kennel Operations" (Canadian Veterinary Medical Association, Third Edition 2018), as amended.

11. KENNEL REQUIREMENTS

Microchipping of Dogs

- 11.1 All Dogs and Puppies (exclusive of nursing Puppies) in a Kennel shall be Microchipped or tattooed, at all times, in order to be able to properly identify each

Dog.

- 11.2 For Dogs and Puppies that are adopted or sold by a Kennel, the Microchip and/or tattoo information for those Dogs shall be recorded by the Kennel and noted on any bill of sale, or other applicable documentation, from the Kennel.
- (11.3) Vaccination documentation shall be provided for any Dog or Puppy adopted or sold by a Kennel by the Operator to the person adopting or purchasing the Dog or Puppy.

Dog Licences / Tags Not Required for Dogs in a Kennel

- 11.3 Notwithstanding any other provision of this by-law, and for greater clarity, Dogs, while at a Kennel, are not required to comply with the provisions of Section 9 of this by-law.

Maximum Number of Dogs in a Kennel

- 11.4 A Kennel may only contain a maximum of thirty five (35) dogs at any one time.

Minimum Number of Purebred Dogs in a Kennel

- 11.5 A Kennel may have Crossbred Dogs, provided that a minimum of five (5) Purebred Dogs are being kept or maintained in the Kennel at any one time.

Grandfathering Existing Kennels

- 11.6 Notwithstanding any other provision of this by-law, a Kennel that existed, and was licenced by the Township, prior to this by-law coming into force or effect shall:
- (a) within five (5) years of the passing of this by-law, reduce the number of dogs exceeding the permitted maximum 35 to the maximum number allowable in the current by-law (Section 11.4) through sale / retirement / adoption or rehoming.
 - (b) be permitted to continue operating at its existing location;
 - (c) comply with all other applicable requirements set out in this by-law within twenty four (24) months of this by-law coming into force or effect.
 - (i) if alterations to the Kennel are required to meet the standards set out in this by-law, that a building permit be obtained for such alterations within twelve (12) months of this by-law coming into force or effect.

Minimum Standards for All Kennels

- 11.7 All Kennels shall comply with the following minimum standards at all times:
- (a) All Kennels shall conform to the provisions of the Zoning By-law and, without limiting the generality of the foregoing, no buildings or structures forming part of a Kennel, or any parts thereof, shall contravene the provisions of the Zoning By-law.
 - (b) No building or structure, or part thereof, forming part of a Kennel shall be used for human habitation.
 - (c) All Kennels shall be constructed so as to provide the following minimum individual pen enclosure space per Dog, based on the weight of the Dog:
 - (i) less than 12 kgs: 1.0 sq. metre per Dog
 - (ii) from 12 to 30 kgs: 2.0 sq. metres per Dog
 - (iii) from 31 to 50 kgs: 2.5 sq. metres per Dog
 - (iv) over 50 kgs: sufficient space for the Dog to stretch or stand to its full body height and full body length but

in no case smaller than 3 sq. metres per Dog

- (d) The minimum individual pen enclosure space standards per Dog, as outlined in Section 11.7(c) of this by-law, apply to the keeping of a Dog, however, bitches and their Puppies shall be provided with additional space of 10% per Puppy.
- (e) If two (2) or more Dogs are kept in one pen enclosure, for whatever reason, the minimum individual pen enclosure space standards per Dog, as outlined in Section 11.7(c) of this by-law, shall be increased by 50% for each additional Dog.
- (f) All Kennels shall be of sufficient size and height and of a design that permits each Dog therein to:
 - (i) move about freely, which includes the ability to:
 - (A) walk and turn around easily;
 - (B) move about easily for the purpose of postural adjustments, including stretching or wagging their tails, without touching the enclosure's walls or ceiling;
 - (C) stand normally to their full height without touching the enclosure's walls or ceiling; and,
 - (D) lie down without touching another Dog.
 - (ii) have species-appropriate contact; and,
 - (iii) ensure its social and behavioural needs are met.
- (g) All Kennels shall have at least one side through which the Dog can be observed and the Dog can see the exterior.
- (h) All Kennels shall be adequately shaded to ensure the Dog's comfort.
- (i) All Kennels shall use materials that optimize soundproofing when building or renovating near a Kennel or the Kennel itself.
- (g) All Kennels shall have a fence, with a minimum height of four (4) feet, around each pen enclosure and Dog run or exercise yard, which shall be constructed so as to prevent visibility from the exterior and to provide acoustical barriers, where necessary, as determined by the Township.
- (h) All Kennels shall have adequately shaded, open-air Dog runs, properly fenced to maintain control of the Dogs, and with enough space to accommodate the breed of Dogs therein.
- (i) No Kennel shall be located within one hundred and fifty (150) metres (or 492 feet) of:
 - (i) any habitable building on an adjacent property;
 - (ii) any building used for the keeping of Livestock on an adjacent property; or,
 - (iii) any road allowance.
- (j) All Kennels shall be independently situated from other buildings or structures on the property on which they are located so as to have:
 - (i) a separate entrance;
 - (ii) a solid wall, of impermeable material, separating the Kennel from any buildings used for the keeping of Livestock; and,
 - (iii) a separate ventilation system, including duct work as necessary,

constructed to supply fresh air and enable adequate exchange of air for all seasons,

- (k) An Operator must own the property on which their Kennel is located at all times.
- (l) All new Dogs entering the Kennel must be accompanied by documentation dated within one (1) week prior to its entering the Kennel, from a Veterinarian stating that the Dog has been examined by that Veterinarian and has been determined to have no health issues, including any health issues that would impact any other Dog at the Kennel.
- (m) All Kennels shall have floors and walls made of sealed concrete or other impermeable material. Wire or slatted floors will not be permitted.
- (n) All Kennel floors shall be self-draining with a minimum 2% slope, excluding Whelping Box.
- (o) All Kennel floors shall be maintained in a state of good repair, with good traction so as to prevent slipping or injury of Dogs.
- (p) All Kennel interior walls and partitions shall be constructed of materials that are appropriately treated or coated to be rendered washable, sanitizable, impervious to moisture, smooth, and durable, using only nontoxic materials in places in which Dogs have direct contact.
- (q) All Kennels shall maintain a temperature therein that optimizes Dog comfort and shall avoid temperature fluctuations that may cause discomfort. Adequate supplemental heat shall be provided for Dog comfort when necessary.
- (r) All Kennels shall be properly equipped with accessible, fresh water for the Dogs therein so as to maintain the Dogs in a healthy condition.
- (s) All Kennels shall provide suitable, adequate food for the Dogs therein and such food shall be provided in clean, properly sized containers so as to maintain the Dogs in a healthy condition.
- (t) All Kennels shall be kept in a sanitary, well-ventilated condition, free from offensive odours, disease and insect or rodent infestation.
- (u) All feces shall be removed from all Kennels and properly disposed of on a daily basis.
- (v) All Kennels shall provide adequate natural or artificial light for a minimum of eight (8) hours per day. Similarly, all Kennels shall provide minimal or no artificial lighting for a minimum of eight (8) hours per day to ensure the Dog can get adequate rest.
- (w) All pen enclosures or Dog runs shall be regularly cleaned and sanitized.
- (x) Every Dog in a Kennel shall be provided with the necessary veterinary care when the animal exhibits signs of pain, illness, injury or suffering.
- (y) All Dogs in a Kennel shall be permitted opportunities for periodic exercise sufficient to maintain the good health of the Dog.
- (z) All Kennels shall have audible smoke and carbon monoxide alarms with visible signals to the exterior, which shall be maintained in good working order at all times.
- (aa) All Kennels shall have fire extinguishers properly placed at locations therein for easy access in the case of an emergency and maintained in good working order at all times and inspected annually by a third party.
- (bb) All Dogs shall be confined inside a Kennel during the hours of 11:00 p.m. to 7:00 a.m.

- (cc) When Dogs are being Boarded at a Kennel, the Kennel shall:
- (i) keep Dogs that are exhibiting vicious behaviour or aggression separate from other Dogs; and,
 - (ii) keep Dogs that are under treatment for a communicable disease, or suspected of having a communicable disease, separate from other Dogs.

Retention of Veterinarian Services

- 11.8 All Operators shall retain the services of a Veterinarian who is responsible for:
- (a) providing advice on the prevention and control of diseases at the Kennel; and,
 - (b) the provision of prompt adequate veterinary care for all ill or injured Dogs or any Dogs showing signs of pain or suffering at the Kennel.

Information to be Provided Upon Adoption or Sale of a Dog

- 11.9 All Dogs being adopted and/or sold from a Kennel must be examined by a Veterinarian and determined to be healthy.
- 11.10 All Kennels shall provide, for any Dog being adopted and/or sold, full medical disclosure to the adopter and/or purchaser of said Dog.

Dogs in Kennel Must Be Vaccinated

- 11.11 A Dog shall not be allowed into a Kennel unless it can provide evidence that it is immunized against distemper, hepatitis, rabies, parvovirus, para influenza and bordatella.

Outbreak at a Kennel

- 11.12 If a Veterinarian confirms that a Kennel has an outbreak of distemper, hepatitis, rabies, parvo virus or any other infections or contagious disease, the Kennel may be closed immediately by an Animal Control Officer, a Provincial Animal Welfare Services Inspector, or such other person as may be appointed by Council, until such time as a Veterinarian provides a written report that the danger of the outbreak has passed and upon the approval of an Animal Control Officer. If Council suspended a Kennel Licence under Section 10.12 of this by-law during an outbreak, then only Council can lift such a suspension in order to permit the Kennel to continue normal operations.

12. KENNEL BREEDING STANDARDS

Breeding Programs

- 12.1 A Kennel that wishes to commence a breeding program for the first time may start the breeding program with no more than ten (10) Dogs. The Kennel may then add, after the first litter of each Dog, an additional ten (10) Dogs each year thereafter following an annual Kennel License renewal, with the approval of an Animal Control Officer, up to the maximum number of Dogs outlined in Section 11.6 of this by-law.

Minimum Standards for All Kennels at which Dogs Are Bred

- 12.2 All Kennels at which Dogs are being bred shall comply with all of the provisions of this by-law as they relate to Kennels more generally and, in addition, shall comply with the following minimum standards at all times:
- (a) Operators shall enroll in, and complete, the on-line training programs offered by the American Kennel Club Canine College that are outlined in **Schedule "A"** to this by-law prior to any Dogs being bred at the Kennel and provide the Township with all the necessary evidence to establish same. Where a Kennel exists when this by-law comes into force and effect, an Operator of a Kennel shall have one (1) year to

complete the required on-line training programs outlined in **Schedule "A"** to this by-law and provide the Township with all the necessary evidence to establish same.

- (b) Operators shall be knowledgeable about common inherited diseases and conformation traits that may negatively impact a Dog's quality of life and prevent normal functions for the breeds that are being raised.
- (c) All Kennels shall ensure that, prior to commencing a breeding program, that the dogs to be bred are determined by a Veterinarian to be sound for the purposes of breeding and documentation from the Veterinarian establishing that the Dogs to be bred are sound for the purposes of breeding shall be kept by the Operator.
- (d) Operators shall, prior to commencing a breeding program, consult with a Veterinarian to assist in determining the frequency of breeding, the total number of breedings that should occur and the age at which to retire animals from breeding.
- (e) Dams shall not to be bred before their second estrous cycle, or 18 months of age, whichever occurs first, or as otherwise recommended by a Veterinarian.
- (f) Dams and sires shall not be bred for the first time until genetic testing, as recommended by a Veterinarian, is performed on the Dogs whose breed carries inherited diseases.
- (g) Dogs with physically-apparent genetic abnormalities shall not be bred with Dogs who have similar abnormalities.
- (h) Dogs with known internal genetic abnormalities shall not be bred at a Kennel.
- (i) After a female dog reaches six (6) years of age, and where an Operator wishes to continue to breed that Dog, an Operator must obtain written confirmation from a Veterinarian that the Dog in question is in good health and that to continue breeding the dog would not compromise the health of the Dog. Any such written confirmation from a Veterinarian shall be provided to an Animal Control Officer immediately upon request thereof. All dogs shall retire once they reach eight (8) years of age.
- (j) All Dogs being bred at a Kennel shall receive annual check-ups from a Veterinarian and obtain the required immunizations, as per the recommendations of the Veterinarian.
- (k) An Operator shall have a general or specific breeding plan for each Dog in their breeding program, which should detail:
 - (i) the maximum breeding age and the maximum number of litters for each Dog;
 - (ii) any specific situations that would trigger the retirement of a dog from the breeding program;
 - (iii) acceptable ways to retire a dog from a breeding program, including surrendering the Dog to recognized rescue organizations, or to a Humane Society or to spay/neuter the Dog for private adoption.
- (l) All Kennels 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.
- (m) All Kennels shall construct a Whelping Box for the Whelping Bitch with four sides and a 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.
- (n) All Kennels shall provide sufficient and designated space for the proper enrichment and socialization of all Dogs and Puppies.

- (o) Operators shall provide a separate outdoor run for a Whelping Bitch to prevent the transfer of diseases from other Dogs to the Puppies.

13. RECORDS

- 13.1 All Kennels shall keep and maintain, at all times, the following records, if applicable, on-site at the Kennel for the duration of the Dog and/or Puppy's stay at the Kennel plus for a minimum of two (2) years thereafter, which shall be available for inspection by an Animal Control Officer upon request at any reasonable time:
- (a) Microchipping and tattoo records for each Dog and Puppy;
 - (b) Veterinarian records for each Dog and Puppy;
 - (c) immunization / vaccination records for each Dog and Puppy;
 - (d) breeding and identification records of all Whelping Bitches and stud Dogs, as well as records of the resulting litters;
 - (e) the records of all adoptions and/or sales of Dogs, which shall include the name and address of each adopter and/or purchaser of a Dog, a photocopy of government-issued identification for each adopter and/or purchaser of a Dog that can establish that person's identity, and the relevant Microchip or tattoo information for each Dog adopted and/or sold;
 - (f) for dogs being Boarded:
 - (i) the dates of arrival and departure of all Dogs being Boarded; and,
 - (ii) the names and addresses of the owners of all Dogs being Boarded;

14. KENNEL INSPECTIONS

Inspection Powers of Animal Control Officers

- 14.1 An Animal Control Officer may enter on land, without notice, at any reasonable time for the purpose of carrying out an inspection to determine whether or not this by-law is being complied with.
- 14.2 All Kennels may be inspected by an Animal Control Officer, a Provincial Animal Welfare Services Inspector or such other person as may be appointed by Council, at any reasonable time.
- 14.3 All Kennels shall, at a minimum, be inspected by an Animal Control Officer at least two (2) times in a given year.

No Hindrance or Obstruction

- 14.4 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.

15. MISCELLANEOUS MATTERS

- 15.1 Dogs shall only be euthanized by a Veterinarian or otherwise in accordance with the laws of the Province of Ontario.

16. PENALTY PROVISIONS

- 16.1 Pursuant to section 425 of the *Municipal Act*, a person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, shall be liable to a fine as set out herein.
- 16.2 Pursuant to section 425 of the *Municipal Act*, a director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and, upon conviction, shall be liable to a fine set out herein.

- 16.3 Pursuant to section 429 of the *Municipal Act*, a person, except for a corporation, who is convicted of an offence is liable to a maximum fine of twenty-five thousand dollars (\$25,000) for a first conviction and a maximum fine of fifty thousand dollars (\$50,000) for any subsequent conviction.
- 16.4 Pursuant to section 429 of the *Municipal Act*, a corporation that is convicted of an offence is liable to a maximum fine of fifty thousand dollars (\$50,000) for a first conviction and a maximum fine of one hundred thousand dollars (\$100,000) for any subsequent conviction.
- 16.5 Pursuant to section 429 of the *Municipal Act*, a director or officer of a corporation who is convicted of an offence is liable to a maximum fine of fifty thousand dollars (\$50,000) for a first conviction and a maximum fine of one hundred thousand dollars (\$100,000) for any subsequent conviction.

17. SEVERABILITY

- 17.1 If any provision or requirement of this by-law, or the application thereof to any person, shall, to any extent, be held to be invalid or unenforceable, the remainder of this by-law, or the application of such provision or requirement to all persons other than those which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.

18. REPEAL

- 18.1 By-law No. 47/2019, as well as any by-laws amending same, are hereby repealed.

19. TRANSITION

- 19.1 Notwithstanding Section 18.1 of this by-law, By-law No. 47/2019 shall be deemed to continue in full 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 47/2019 may be collected as if that by-law had not been repealed.
- 19.2 Notwithstanding Section 18.1 of this by-law, By-law No. 47/2019 shall be deemed to continue in full 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 scheduled, as approved by the Chief Justice, until such time as the Chief Justice approves the set fine schedule for this by-law.

20. EFFECTIVE DATE

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

Read a first and second time this 9th day of November, 2021.



 Mayor Joe Nowak



 Clerk, Grace Kosch

Read a third and final time and passed this 9th day of November 2021.



 Mayor Joe Nowak



 Clerk, Grace Kosch

SCHEDULE "A"

**MANDATORY ON-LINE TRAINING PROGRAMS FOR BREEDING
KENNELS**

1. American Kennel Club Canine College:
 - (a) ABC's of Dog Breeding – Breeding Basics
 - (b) ABC's of Whelping and Medical Intervention