

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

BY-LAW NUMBER 2009-082

BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN KENNELS IN THE TOWNSHIP OF UXBRIDGE

WHEREAS the Council of the Corporation of the Township of Uxbridge deems it necessary and desirable to licence kennels in the Township to promote the health and safety of persons, provide nuisance control and ensure consumer protection;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE Enacts As Follows:

Section 1 - Definitions and Interpretation

- 1.1 "Animal" shall mean any member of the animal kingdom, except humans and, without limiting the generality of the foregoing, includes mammals, dogs, cats, birds and reptiles.
- 1.2 "Animal Services Committee" shall mean the Animal Services Committee appointed by Council.
- 1.3 "Animal Shelter" shall mean the Uxbridge Scugog Animal Control Centre and shall include any yard or enclosure maintained by the Municipality for the safe-keeping of impounded Animals.
- 1.4 "Animal Control Officer" shall mean any person employed or appointed by the Township to administer and enforce this By-law, and shall include a Municipal Law Enforcement Officer.
- 1.5 "Applicant" shall mean any person that has a Licence under this By-law, any person that applies to the Township for a Licence or renewal of a Licence under this By-law and any person whose Licence under this By-law is being considered for revocation or suspension.
- 1.6 "Boarding" shall mean the keeping of any Dog for any period of time, whether or not for financial gain or as part of a commercial operation, to a maximum of forty (40) dogs.
- 1.7 "Boarding Kennel" shall mean a Kennel where a maximum of forty (40) dogs are Boarded and shall include a Doggy Day Care and Doggy Spa.
- 1.8 "Breeding Kennel" shall mean a Kennel for the generating of offspring resulting in a strain of related dogs similar in type and use to a maximum of forty (40) dogs including offspring.
- 1.9 "Clerk" shall mean the Clerk of the Township or his or her designate.
- 1.10 "Dog" shall mean a dog of any breed that is not less than twelve (12) weeks old.
- 1.11 "Hearing" shall mean a hearing before the Animal Services Committee under this By-law.
- 1.12 "Hunting Dog" shall mean a Dog that:
 - 1.12.1 has a valid registration in the Canadian Kennel Club as a hunting dog; or

- 1.12.2 has a valid registration in an association for the purpose of hunting dog training or trailing; and
- 1.12.3 has a valid hunting dog licence from the Ministry of Natural Resources (Ontario) that has been issued not more than twelve (12) months prior; or
- 1.12.4 such other proof of hunting activities within the previous or subsequent twelve (12) month period as may be acceptable to the Animal Control Officer; and
- Has been so designated by an Animal Control Officer upon proof thereof to the satisfaction of the Animal Control Officer.
- 1.13 "Kennel" shall mean a place where more than three (3) dogs are housed, groomed, boarded, bred, trained, sold or kept, and for greater certainty includes a Private Kennel, a Boarding Kennel and a Breeding Kennel, but does not include a Pet Shop, Veterinary Clinic, Animal Shelter or any facility in which Dogs are placed for care pursuant to the *Pounds Act*.
- 1.14 "Licence" shall mean a Licence issued by the Township pursuant to this By-law.
- 1.15 "Operator" shall mean a person with apparent care and control of a Kennel at any given point in time.
- 1.16 "Owner" shall mean a person who owns, possesses or harbours a Dog and where the owner is a minor, includes the person responsible for the custody of the Dog.
- 1.17 "Pet Shop" shall mean the carrying on at a premises of any nature (including a private dwelling) of a business of selling animals as pets, and as including references to the keeping of animals in any such premises as aforesaid with a view to their being sold in the course of such a business, whether by the keeper thereof or by any other person.
- 1.18 "Private Kennel" shall mean a Kennel of not more than eight (8) Dogs, all owned by the Applicant, where Hunting Dogs and/or Sled Dogs do not count towards the maximum number of Dogs permitted.
- 1.19 "Property Owner" shall mean the registered legal owner of the land on which the Kennel is located or proposed Kennel may be located.
- 1.20 "Sled Dog" shall mean a Dog that has been registered in a dog sled or similar race within the previous or subsequent twelve (12) months or that has been so designated by an Animal Control Officer upon proof thereof to the satisfaction of the Animal Control Officer.
- 1.21 "Township" shall mean the Corporation of the Township of Uxbridge.
- 1.22 "Veterinary Clinic" shall mean a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.

Section 2 - Prohibition

- 2.1 No person shall own or operate a Kennel of any kind in the Township except in accordance with this By-law.
- 2.2 No person shall own or operate a Kennel in the Township unless the Kennel is a Breeding Kennel, a Boarding Kennel or a Private Kennel and a valid Licence is in

effect for such Breeding Kennel, Boarding Kennel or Private Kennel as the case may be.

- 2.3 No person shall breed, or permit to be bred, Dogs in the Township except in accordance with this By-law.
- 2.4 No person shall own or operate a Boarding Kennel in the Township without a valid Boarding Kennel Licence.
- 2.5 No person shall own or operate a Breeding Kennel in the Township without a valid Breeding Kennel Licence.
- 2.6 No person shall own or operate a Private Kennel in the Township without a Private Kennel Licence.

Section 3 - Licence

- 3.1 Only the Property Owner may apply for and be issued a Licence.
- 3.2 A Licence is not transferable, and without limiting the generality of the foregoing, a Licence does not transfer to any new Property Owner.
- 3.3 Every Property Owner that applies for a Licence shall do so to the Clerk with the required fee as set out in Schedule "A" and in writing on the form designated for doing so by the Township from time to time.
- 3.4 All Licences expire on December 31st of the year they were issued, regardless of when the Licence was issued.
- 3.5 Notwithstanding Section 3.4 hereof, the Clerk may suspend or revoke a Licence at any time pursuant to Section 4 hereof.
- 3.6 In addition to completion of the written form to the satisfaction of the Clerk, no person shall be issued a Kennel Licence unless:
 - 3.6.1 the Applicant has demonstrated to the satisfaction of the Township that the Kennel or proposed Kennel complies with the Township's Zoning By-law, in effect at the time of an Application, from time to time;
 - 3.6.2 the Applicant has submitted a site location drawing that:
 - 3.6.2.1 is drawn to scale;
 - 3.6.2.2 shows the location of all buildings and structures on the subject property, including all buildings and structures intended to be used for and in connection with the Kennel or proposed Kennel;
 - 3.6.2.3 shows the location of any proposed buildings for or in connection with the Kennel or proposed Kennel;
 - 3.6.2.4 specifies the distance from which any existing or proposed structures are from property lines and from all buildings and structures on adjacent properties; and
- 3.6.2.4 is otherwise to the satisfaction of the Clerk.
- 3.7 The Clerk shall refuse to issue any Licence that does not meet the requirements of the By-law.
- 3.8 The Clerk may impose such conditions and/or special conditions as he or she considers appropriate and desirable for the safety, health or well-being of

persons, to prevent, in the opinion of the Clerk, a contravention of By-law No. 96-089, being a By-law for the Prohibition and Abatement of Certain Public Nuisances within the Municipality (as may be amended from time to time), and/or as may be necessary for the purposes of consumer protection, as a requirement for obtaining, continuing to hold or renewing a Licence, and may impose such conditions and/or special conditions to any one Kennel, some Kennels or all Kennels, on a Kennel-by-Kennel basis, and the Clerk may impose such conditions and/or special conditions at any time, including during the term of a Licence.

- 3.9 In the event that the Clerk refuses to issue a Licence or imposes conditions on the holding of a Licence, the Clerk shall give notice in writing to the Applicant by registered mail or personal delivery.
- 3.10 The Applicant may apply to the Clerk, in writing, within twenty (20) days from the date of the notice issued under Section 3.9 hereof for a Hearing before the Animal Services Committee.
- 3.11 Upon receipt of an application for a hearing pursuant to Section 3.10 hereof, the Clerk shall arrange for a Hearing with respect to the Clerk's refusal to issue a Licence or the Clerk's imposition of conditions on the holding of a Licence.
- 3.12 Notice of a Hearing shall be given to the Applicant in writing by registered mail or personal delivery not less than seven (7) days prior to the date set for the Hearing.
- 3.13 At the Hearing, the Animal Services Committee shall review the application for a Licence together with the Clerk's reasons for refusal or reasons for imposing conditions and shall hear the Applicant's, or the Applicant's agent's, verbal or written submissions as to how the Application fulfills the requirements of this By-law.
- 3.14 The Animal Services Committee shall render a final decision on the Hearing within a reasonable time, and the Animal Services Committee has all the powers of the Clerk under this By-law to issue a Licence, refuse a Licence or impose conditions on the holding of a Licence.
- 3.15 The Animal Services Committee shall issue its decision in writing by registered mail or personal delivery not more than ten (10) days after it has reached its decision.
- 3.16 Upon the issuance of a Private Kennel Licence, a Breeding Kennel Licence or a Boarding Kennel Licence the Property Owner shall be exempt from the purchase of licences under the prevailing Animal Control By-law for those Dogs in the Private Kennel, Breeding Kennel or the Boarding Kennel as the case may be.
- 3.17 Notwithstanding the provisions of this By-law, no Licence is required for:
- 3.17.1 Animal Shelters;
 - 3.17.2 Veterinary Clinics;
 - 3.17.3 Pet Shops
 - 3.17.4 a publicly funded educational institute; or
 - 3.17.5 any facility in which Dogs are placed for care pursuant to the *Pounds Act*.
- 3.18 Where the Owner of a Private Kennel wishes to use dog tags supplied by the Township to identify Dogs housed in a Private Kennel, the Owner may receive such tags from the Township at no charge.

3.19 Every Owner and Operator shall ensure that the Kennel's Licence is posted in a conspicuous place in the Kennel.

Section 4 - Revocation and Suspension

- 4.1 The Clerk may revoke or suspend for any period of time a Licence if:
- 4.1.1. the Owner or Operator of the Kennel has been charged and/or convicted and/or has plead guilty of contravening the Township's Nuisance By-law arising from or in connection with the Kennel;
- 4.1.2 the Owner or Operator of the Kennel has been charged and/or convicted and/or has plead guilty to the contravening of the Township's Noise By-law arising from or in connection with the Kennel;
- 4.1.3 at any time any of the following standards are not met:
- 4.1.3.1 Dogs must be housed in individual enclosures unless the Dog's owner expresses a specific wish for their pets to be housed together and it would not be deemed inhumane to do so.
- 4.1.3.2 Dogs must be housed in enclosures large enough to permit any Dog enclosed therein to move freely and in particular shall permit each Dog confined therein to:
- 4.1.3.2.1 stand normally to its full height;
- 4.1.3.2.2 turn around easily;
- 4.1.3.2.3 move about easily for the purpose of Posture adjustments;
- 4.1.3.2.4 lie down in a fully extended position;
- 4.1.3.2.5 enable species-appropriate contact;
- 4.1.3.2.6 provide bitches with nursing puppies an additional ten percent (10%) space per nursing puppy; and
- 4.1.3.2.7 provide for the social and behaviour needs of the Dog.
- 4.1.3.2.8 Kennel walls shall be non-porous and watertight and floors shall be of a smooth concrete finish or similar material and both walls and floors shall otherwise be easily cleaned and sanitized.
- 4.1.3.4 Suitable bedding shall be provided for the Dog.
- 4.1.3.5 Roof coverings, fastened to sheathing or directly to the roof joists shall be laid so as to prevent the entrance of rodents and vermin into the facility and covered with suitable materials in order to eliminate leakage and exposure of the Dogs to adverse weather conditions.
- 4.1.3.6 Ceilings and walls shall abut closely to prevent crevices that may contribute to rodent infestation.

- 4.1.3.7 Corners of ceilings, walls and partitions shall be caulked and painted so as to be completely washable.
- 4.1.3.8 Proper air circulation shall be ensured to prevent respiratory disease and to avoid the spread of contaminants, viruses, bacterial and moulds.
- 4.1.3.9 Every interior space and area that the Dogs may use must have a floor drain and be appropriately graded.
- 4.1.3.10 Every interior space and area that the Dogs may use must be maintained at a temperature of at least ten (10) degrees Celsius and not more than twenty-seven (27) degrees Celsius and temperatures shall otherwise be suitable for the breed, age and condition of the Dogs.
- 4.1.3.11 Outside exercise facilities shall be provided and such facilities shall be:
- 4.1.3.11.1 fenced and maintained in a manner as to keep the Dogs securely enclosed;
 - 4.1.3.11.2 large enough for Dogs to break into a trot and to provide protection;
 - 4.1.3.11.3 surfaced in a manner that is safe and not slippery and free from debris that could cause injury or damage to a Dog; and
 - 4.1.3.11.4 kept in a sanitary manner at all times.
- 4.1.3.12 Each Dog shall be placed in the outside exercise facilities provided for in Section 4.1.3.11 as often and as long as weather conditions permit and in the best interests of the Dog.
- 4.1.3.13 Every Kennel shall be maintained in a clean and sanitary condition at all times and, in particular, every Kennel Owner shall remove excrement, refuse and other objectionable material from the Kennel at least twice every day, including weekends and same shall be removed from the premises at least once per week in an acceptable and lawful manner.
- 4.1.3.14 Dogs shall be removed from any area being cleaned and sanitized.
- 4.1.3.15 Dogs shall be provided with fresh-drinking water at all times and in the quantity demanded by the Dogs or otherwise necessary or required for the Dog's health and well-being.
- 4.1.3.16 Dogs shall be fed adequate and contaminant-free food capable of maintaining the Dogs in full health.
- 4.1.3.17 Food bins shall be covered, vermin proof, free from vermin and properly marked.
- 4.1.3.18 Food dishes, utensils and preparation apparatus shall be cleaned regularly and stored in a clean and protected area.
- 4.1.3.19 Where breeding is permitted under this By-law, whelping areas shall be separated from other areas of the Kennel to provide sufficient privacy for the whelping bitch.

4.1.3.20 Kennels shall be adequately and regularly supervised and shall be managed in a manner to ensure that no harm comes through the association of incompatible Dogs, sick Dogs or any other adversarial animal or vermin.

4.1.3.21 Kennel records shall be maintained for each Dog at the Kennel and such records shall include:

- 4.1.3.21.1 name;
- 4.1.3.21.2 tattoo or microchip number;
- 4.1.3.21.3 owner's name, address and contact number;
- 4.1.3.21.4 daily health record; and
- 4.1.3.21.5 behavioral issues or incidents,

and such records shall be kept for a minimum of six (6) months after the Dog has left the Kennel.

4.1.3.22 In addition to the requirements of Section 4.1.3.21 hereof, a Breeding Kennel shall maintain the following additional information about the Dogs and any puppies:

- 4.1.3.22.1 breed;
- 4.1.3.22.2 sex;
- 4.1.3.22.3 date of birth;
- 4.1.3.22.4 the sire and dam;
- 4.1.3.22.5 colour and markings;
- 4.1.3.22.6 medications;
- 4.1.3.22.7 vaccinations; and
- 4.1.3.22.8 examinations for internal and external parasites and the results thereof,

and such records shall be kept for a minimum of six (6) months after the Dog has left the Kennel.

4.1.3.23 Every Kennel shall maintain written Dog care policies and procedures that include policies and procedures for:

- 4.1.3.23.1 illness;
- 4.1.3.23.2 injury;
- 4.1.3.23.3 death;
- 4.1.3.23.4 back-up transportation;
- 4.1.3.23.5 phone numbers for the Uxbridge Scugog Animal Control Centre, the local humane society and local veterinarians,

and such policies and procedures shall be readily available to all Kennel personnel at all times.

- 4.2 The Clerk may, if he or she is of the opinion that the continued operation of a Kennel poses an immediate danger to the health or safety of any person or to any property, on such conditions as he or she considers appropriate and desirable, suspend a Licence for not more than fourteen (14) days and shall provide reasons for the suspension either orally or in writing and shall provide an opportunity to respond to those reasons.

Section 5 - Nuisance Control

- 5.1 Notwithstanding, and in addition to, the provisions of Section 3 of this By-law, including the requirement for compliance with the Township's Zoning By-law in effect at the time of an Application, from time to time, for the purposes of nuisance control, no Kennel shall be operated within the Township and no Licence shall be issued in respect of a Kennel unless:
- 5.1.1 any part of a lot, building, structure or establishment used in connection with the Kennel is at least thirty (30) metres from any and all dwelling units on the same lot;
- 5.1.2 any part of a lot, building, structure or establishment used in connection with the Kennel is at least three hundred and ten (310) metres from any and all dwellings on any and all other lot or lots;
- 5.1.3 any part of a lot, building, structure or establishment used in connection with the Kennel is two-thousand (2,000) metres from any and all lands zoned: RC; HR; R1; R2; RH; SR; ER; and/or RM in the Township's Zoning By-law, in effect at the time of an Application, from time to time;
- 5.1.4 any part of a lot, building, structure or establishment used in connection with the Kennel is thirty (30) metres from all lot lines; and
- 5.1.5 any part of a lot, building, structure or establishment used in connection with the Kennel is three-thousand metres from a Kennel on another lot.

Section 6 - Exceptions

- 6.1 An Applicant whose Kennel was licenced under a predecessor By-law and conforms with the intent of this By-law, in the opinion of the Animal Services Committee, but does not conform to the requirements of this By-law, may make application for an exception to the Animal Services Committee, whereupon the Animal Services Committee may consider an exception from one or more of the provisions of this By-law as the Animal Services Committee considers appropriate and on a case-by-case basis.

Section 7 – Penalties and Conditions

- 7.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable for a fine as set out in the *Provincial Offences Act*.
- 7.2 In the event that any provision or provisions of this By-law is or are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
- 7.3 The Clerk and any Animal Control Officer may at any reasonable time enter onto and inspect the Kennel and its records for the purpose of administering and enforcing this By-law.

- 7.4 Without restricting the generality of, and subject to Section 7.3 hereof, if a Breeding Kennel or Private Kennel is operated in whole or in part of in a dwelling unit, the Clerk and any Animal Control Officer may inspect that part of the dwelling unit used in connection with the Kennel operation.
- 7.5 Kennel licences issued under any predecessor to this By-law shall expire the later of: (1) the date of passing of this By-law; (2) the date set for expiration on the license issued under any predecessor of this By-law.
- 7.6 This By-law shall come into full force and effect immediately upon its final passing by Council.

Section 8 - Severability

- 8.1 If any section, sections, part or parts of this By-law is or are found to be invalid by a court of competent jurisdiction, it shall be severed from this By-law and the remainder thereof shall remain in effect.

READ a FIRST, SECOND and THIRD time and finally passed this 22nd day of June, 2009.


BOB SHEPHERD
MAYOR


DEBBIE LEROUX
CLERK

SCHEDULE "A"
TO BY-LAW NUMBER 2009-082
KENNEL LICENCE FEES

| Type of Kennel | Licence Fee |
|----------------|---|
| Boarding | \$ 200.00/year new \$ 150.00 renewal |
| Breeding | \$ 200.00/year new \$ 150.00 renewal |
| Private | \$ 150.00/year new \$ 100.00 renewal |