

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

Number 2008-111

"KENNEL BY-LAW"

A By-law to Control and Regulate the operation of Kennels
within the Town of New Tecumseth

WHEREAS Section 10(2) of the *Municipal Act, 2001*, as amended, authorizes the council of a lower-tier municipality to pass by-laws respecting the licensing of businesses within the municipality;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that the council of a lower-tier municipality may set standards for the care and protection of animals;

AND WHEREAS the Council of the Corporation of the Town of New Tecumseth deems it advisable to pass a by-law to regulate kennels within the municipality and to establish a process for penalties and licensing fees;

NOW THEREFORE the Council of The Corporation of the Town of New Tecumseth hereby enacts as follows:

1. DEFINITIONS

1.1 In this by-law the following definitions shall apply:

- 1.1.1 **"Canine Control Officer"** means a person or person(s) appointed by the Town to enforce and implement the provisions of this by-law;
- 1.1.2 **"Clerk"** means the Clerk appointed by the Town of New Tecumseth pursuant to the Act;
- 1.1.3 **"Council"** means the Council of the Town of New Tecumseth;
- 1.1.4 **"Dog"** means a domesticated canine animal, male or female, over the age of twelve weeks;
- 1.1.5 **"Humane Society"** means the Alliston & District Humane Society';
- 1.1.6 **"Kennel"** means any premises where more than five (5) dogs are kept or boarded or bred as a commercial business;
- 1.1.7 **"Municipal Law Enforcement Officer"** shall mean a By-law Enforcement Officer, interim or full time, as appointed by Council for the Town of New Tecumseth;
- 1.1.8 **"Owner"** means and includes any person or persons who own or operate a Kennel in the Town of New Tecumseth.
- 1.1.9 **"Puppy Mill"** means a breeding operation in which dogs are repeatedly and randomly bred for financial gain characterized by substandard health and/or environment issues including: inadequate or overcrowded shelter, inadequate or inappropriate food, absence of grooming/ medical/veterinary care, that utilize a non-scientific approach to breeding and inappropriate or absence of screening of potential qualified owners;

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1.1.10 “Town” means the Town of New Tecumseth;

1.1.11 “Violation Tag” means a voluntary payment notice issued by a Canine Control person or Municipal Law Enforcement for an alleged commission of a contravention of the by-law.

2.0 KENNEL REQUIREMENTS

- 2.1 No person shall operate a kennel except in accordance with the applicable Zoning By-law enacted by Council pursuant to Section 34 of the *Planning Act* with a minimum property size of 2.02 hectares (5 acres).
- 2.2 Kennels that are licensed by the Town of New Tecumseth on the date of passage of this by-law, are exempt from the provisions of Section 2.1. Notwithstanding the provisions of Section 2.1, existing kennels legally operating as of the day of passage of this by-law may continue to operate and expand on the property on which they are located.
- 2.3 No person shall operate a kennel without first obtaining a Kennel Licence.
- 2.4 No person shall own or operate a puppy mill as defined by this by-law.
- 2.5 Every person who holds a kennel licence or applies for a kennel licence shall comply with the requirements listed in Schedule “A” and Schedule “B” to this By-law.
- 2.6.1 If the Kennel is found not to meet the minimum standards as set out in Schedule “B”, the Town Clerk will to give written notice to the owner of the Kennel of any deficiencies and allow up to thirty (30) days for compliance before giving notice to the Humane Society. Further non-compliance may result in the revocation of the Kennel Licence.
- 2.7 Kennel Licences shall expire on the 31st day of December of each and every year.
- 2.8 The Kennel owner/operator shall pay an annual licence fee as set out in Fees and Charges By-law.
- 2.9 The Kennel shall be inspected twice annually and shall be assessed based on the evaluation form attached as Schedule “B”.

3.0 PENALTY

- 3.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

4.0 VOLUNTARY PAYMENT

- 4.1 Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag:
- 4.2 For the purposes of enforcing this by-law, the Town's Canine Control Officer(s) are hereby appointed Municipal Law Enforcement Officers in accordance with Section 15 of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended.

5.0 SEVERABILITY

5.1 Should any section, subsection, clause, paragraph or provision of this by-law, including any part of schedules be declared by a court of competent jurisdiction to be *ultra vires*, invalid or illegal for any reason, the same shall not affect the validity of the by-law as a whole.

6.0 CITING

6.1 This by-law shall be cited as the "Kennel By-law".

6.0 ENACTMENT

6.1 That this by-law shall come into force and take effect upon passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF JUNE, 2008.

MAYOR

CLERK

Schedule "A" of
By-law 2008-111

KENNEL OWNER/OPERATOR REQUIREMENTS

1. The kennel owner/operator shall pay the Town an initial application fee of \$200.00, which is refundable in the event the application is refused.
2. The kennel owner/operator shall supply the Town with a copy of a Criminal Record Check with respect to any convictions of cruelty to animals.
3. No person shall be granted a kennel license if he/she has been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty.
4. The owner/operator of a kennel shall submit plans, including future plans, on a site plan for review by the Clerk.
5. The kennel building and its location must conform to the applicable zoning by-laws and the Ontario Building Code.
6. Every kennel owner/operator shall allow any person authorized by the Town of New Tecumseth to inspect any place where dogs are kept at least twice per year, pursuant to this by-law and such staff may be accompanied by a Humane Society Cruelty Agent .

**SCHEDULE "B" OF
BY-LAW 2008-111**

KENNEL INSPECTION REPORT - TOWN OF NEW TECUMSETH

1. Name of Kennel _____
2. Address _____
Town _____
Phone Number _____
3. Name and Address of Owner _____

4. Date of Inspection _____
5. Sanitation and care:

| | Adequate | Not Adequate |
|--|----------|--------------|
| a. Storage of food supplies | _____ | _____ |
| b. Animal food, waste, and debris removal | _____ | _____ |
| c. Walls and floors made of material which can be easily sanitized | _____ | _____ |
| d. Proper drainage | _____ | _____ |
| e. Number of times fed daily | _____ | _____ |
| f. Food and water dishes durable and clean | _____ | _____ |
| g. Food wholesome and sufficient | _____ | _____ |
| h. Clean potable water accessible | _____ | _____ |
| i. Dogs clean | _____ | _____ |
| j. General condition of dogs | _____ | _____ |
6. Shelter:

| | | |
|---------------------------------------|-------|-------|
| a. Sufficient shade | _____ | _____ |
| b. Shelter from inclement weather | _____ | _____ |
| c. In good repair, structurally sound | _____ | _____ |
| d. Adequate size for dogs | _____ | _____ |
| e. Shelter overcrowded | _____ | _____ |
| f. Shelter property cleaned | _____ | _____ |
| g. Ventilation adequate | _____ | _____ |
| h. Fencing adequate | _____ | _____ |
| i. Adequate temperature | _____ | _____ |
7. Is the kennel a nuisance or health hazard to the neighbourhood? Details.

8. Is pest (flies and rodents) control adequate? _____
9. Disease Control:
 - a. Are there sick dogs? _____
 - b. Is there adequate veterinary care? _____
 - c. Name of veterinarian _____
10. Kennel in compliance with zoning? _____

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11. Intentions of Kennel, including future plans (attach drawing, plans) _____

12. A licence should / should not be issued.

Inspecting Officers:

Date