

# **The Corporation of the Township of Guelph/Eramosa**

## **By-law Number 30/2010**

### **A By-law to provide for the regulation and licensing of kennels within the Township of Guelph/Eramosa.**

**WHEREAS** *Section 11 (1) of the Municipal Act, 2001*, provides for the authority for lower tier municipalities to pass by-laws to regulate animals;

**AND WHEREAS** *Section 11 (1) of the Municipal Act, 2001* provides for the regulating of establishments for the breeding or boarding of animals within defined areas of the municipality;

**AND WHEREAS** *Section 12 of the Dog Owners' Liability Act R.S.O. 1990, Chapter D.16* designates a Municipal Law Enforcement Officer as a Peace Officer for the purposes of enforcing the Act;

**AND WHEREAS** *Section 128 of the Municipal Act, 2001* provides for the prohibition and regulation with respect to public nuisances as determined by Municipal Council;

**AND WHEREAS** Municipal Council has determined that the operation of a kennel has the potential to become or cause a public nuisance;

**AND WHEREAS** *Section 151 (1) of the Municipal Act, 2001* provides for a system of licensing with respect to a business and the power to impose conditions on the obtaining, continuing to hold or renewing a license;

**AND WHEREAS** the Municipal Council of the Corporation of the Township of Guelph/Eramosa deems it desirable to pass a by-law with respect to the regulation and licensing of kennels;

**NOW THEREFORE, THE COUNCIL OF THE TOWNSHIP OF GUELPH/ERAMOSIA ENACTS AS FOLLOWS:**

#### **1. DEFINITIONS**

In this by-law:

- a) "Municipal Law Enforcement Officer" means the person or agency so designated by the Council, and any employees or agents of such person or agency, to carry out the provisions of this by-law;
- b) "Body Length" means 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;
- c) "Council" means the Council of the Corporation of the Township of Guelph/Eramosa;
- d) "Dog" means a male or female dog over the age of twelve (12) weeks;
- e) "Kennel" means a place where a minimum of three (3) and a maximum of fifty (50) dogs are housed, groomed, boarded, bred, trained, sold or kept and which is licensed by the Township under the provisions of the *Municipal Act*, but does not include a veterinary clinic as defined herein. Notwithstanding, the definition of kennel does not apply to where dogs are kept as working dogs associated to a livestock facility as defined.

The limit shall be four (4) dogs where the Township is satisfied that this criteria has been met.

- f) "Livestock Facility" means one or more barns or permanent structures intended for keeping or housing of livestock with livestock occupied portions, which are areas of the structure where the livestock spend a majority of their time thus allowing substantial amounts of manure to accumulate. A livestock facility also includes all manure or material storages and anaerobic digesters. For the purposes of this definition livestock includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-gearing animals, deer & elk, game animals, birds and other animals identified in the Ontario Ministry of Agriculture, Food and Rural Affairs Minimum Distance Separation Implementation Guidelines."
- g) "New Kennel" means a place where a minimum of three (3) and a maximum of fifty (50) dogs are housed, groomed, bred, trained, sold or kept for hunting or other specific work and which is licensed by the Township under the provisions of the *Municipal Act*, but does not include a veterinary clinic as defined herein. For the purposes of this By-law, a "New Kennel" is any kennel that did not operate continuously and was not licensed with the Township prior to the passing of this by-law. Notwithstanding, the definition of kennel does not apply to where dogs are kept as working dogs associated to a livestock facility as defined. The limit shall be four (4) dogs where the Township is satisfied that this criteria has been met.
- h) "Owner" means any person who owns, possesses, harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. Shall include a person who is temporarily the keeper of the animal;
- i) "Township" means the municipality of the Corporation of the Township of Guelph/Eramosa;
- j) "Zoning By-law" refers to the current comprehensive Zoning By-law, as amended, of the Township of Guelph/Eramosa;
- k) "Veterinary Clinic" means a building or a part thereof wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

## 2. LICENSING AND FEES

- a) No person shall operate a kennel other than a Kennel operated and licensed in accordance with the provisions of this By-law.
- b) Every owner of a dog contained or otherwise kept in a Kennel shall, when requested by the Municipal Law Enforcement Officer, police officer or other duly appointed officer, produce evidence that a particular Dog has been inoculated with anti-rabies vaccine within the preceding twelve (12) months.
- c) The license shall be taken out annually on or before the 31<sup>st</sup> day of March of each year and shall expire on the 31<sup>st</sup> day of March in the year following its issue.
- d) The annual licensing fee of two hundred dollars (\$200.00) shall be paid prior to the issuance of a license.

## 3. AGGRESSIVE/DANGEROUS DOGS

- a) When a Dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the Township against the Owner of the Dog for whatever remedies are available for the protection of the public

under the provisions of the *Dog Owners' Liability Act, R.S.O. 1990, c D.16* and any amendments thereto.

#### 4. KENNELS

- a) Every Owner/operator of a Kennel shall apply for and pay a license fee in accordance with the provisions of this by-law.
- b) An application for a Kennel license or renewal shall be submitted in the proper form as provided by the Township from time to time.
- c) The issuance of a Kennel license shall be within the discretion of the Township based on the following factors:
  - (i) the proposed Kennel must conform to the Zoning By-law;
  - (ii) the proposed Owner shall submit a detailed site plan and the applicable fee;
  - (iii) the site plan shall illustrate the location of a fence with a minimum height of five (5) feet, around every pen, run or exercise yard. The Township may require that said be constructed to prevent visibility from the exterior; and,
  - (iv) the site plan shall provide for acoustical barriers satisfactory to the Township.
- d) After having given notice in writing stating the grounds for a potential cancellation, Council may, at any time, cancel a Kennel license 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 may include a contravention of any section(s) of the by-law.
- e) The written notice described in *section 4 (d)* shall be delivered in person or mailed by registered mail to the registered owner of the Kennel.
- f) The Owner/operator of a Kennel may make a written request to Council for an appeal of a decision for a cancellation, such written request shall be received within 30 days of the date of the notice of cancellation for the processing of the appeal. A notice of cancellation that is not appealed within the 30 days shall be deemed to be confirmed. The following proceedings shall commence upon receipt of an appeal;
  - (i) such appeal shall be heard by the Property Standards Committee, the Committee having the powers to confirm, modify, rescind or permit additional time for compliance with the decision of Council.
- g) All Kennel licenses shall be taken out annually on or before the 31<sup>st</sup> day of March of each year and shall expire on the 31<sup>st</sup> day of March in the year following its issue unless renewed.
- h) Every Owner/operator of a Kennel existing at the time of the passage of this By-law shall;
  - (i) Not maintain or keep more than the lesser of: (i) fifty (50) Dogs; and, (ii) the existing number of Dogs at the current location of the Kennel; and,
  - (ii) Comply with the standards for the Kennels contained in this by law within six (6) months of the passing of this by law, except provisions that apply to barking in which compliance is required from the date of passing.

- (iii) The Owner/operator/manager of the Kennel shall reside on the property on which the Kennel is located.

## 5. KENNEL CONDITIONS

All Kennel licenses issued pursuant to this by-law are conditional upon the Owner of the licensed Kennel constructing and operating 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 infestations;
- b) The Kennel building and outdoor runs shall have floors and walls made of concrete or other impermeable material (including rigid plastic). Wire floors will not be permitted;
- c) The floor of the Kennel building and outdoor runs shall be drained immediately after water is present. No water may sit on the floor of a Kennel building. Any new Kennel structure is required to install a self-drain with a maximum of five (5) minute drain time;
- d) The yards and runways associated with Kennel operations shall be adequate shelter and protection from the elements and be completely enclosed with a fence as required by 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 specific to the breed of dog being housed;
- g) No barking shall be audible from a point of reception located off the subject property of the kennel operation during the following prohibited times:
  - (i) 22:00 one day to 07:00 the next day
  - (ii) No continuous barking in excess of 2 hours from 07:00 to 22:00.

If Dogs are being housed in outdoor housing the following regulations apply in addition to the regulations already contained in *Section 5*:

- h) The breed of dog must be properly acclimatized to seasonal and regional temperatures;
- i) Aged, young, or infirmed dogs shall be housed indoors;
- j) Shelter and protection from cold and heat must be provided including protection from direct sunlight, rain, sleet, and snow;
- k) An enclosed area with dry bedding must be provided.

Group housing is suitable provided that the following regulations apply in addition to other requirements of this by-law:

- l) Any animal exhibiting vicious behaviour or dominance aggression is housed separately;
- m) A dog under treatment for communicable disease or suspected of harbouring a communicable disease is separately housed;
- n) Newly acquired dogs are isolated before full integration into group housing.

## 6. BREEDING KENNEL CONDITIONS

- a) Every Kennel Owner/operator shall conform to the regulations set out in *section 5*.

- b) Every Kennel Owner/operator shall maintain the whelping bitch in separate accommodation from the balance of the dogs in the Kennel and shall provide an area 2 ½ times the size of the whelping bitch.
- c) Every Kennel Owner/operator shall provide a separate outdoor run for the whelping bitch to prevent the transfer of diseases from other adult dogs to the puppies.
- d) Every Kennel Owner/operator shall provide a whelping box constructed with four sides and a floor made from impermeable material.
- e) Every Kennel Owner/operator shall provide adequate supplemental heat required in winter conditions.
- f) Every Kennel Owner/operator shall provide a designated space for individual socialization between the puppies and humans away from both visual and physical contact with littermates and other dogs.
- g) Every Kennel Owner/operator shall provide associated, 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.

7. KENNEL APPLICATIONS FOR OVER TWENTY (20) DOGS

- a) Every Kennel Owner/operator who makes application for a Kennel license of over twenty (20) Dogs shall submit an acoustical study prior to approval of their application by Council. All recommendations provided for noise mitigation shall be implemented.
- b) No New Kennel housing over twenty (20) dogs shall be located within a minimum of one hundred and fifty (150) metres (four hundred two [492] feet) of any road allowance or any adjacent habitable building or building used for the keeping of livestock excluding buildings of the owner of the property on which the kennel is located.

8. KENNEL APPLICATIONS (applies to Kennels, Breeding Kennels and/or New Kennels)

The following conditions may be required and when required will form part of the conditions of a license issued pursuant to this by-law:

- a) Approval from the Wellington-Dufferin-Guelph Public Health Unit for the installation of any septic system to handle dog waste;
- b) A restriction on the time that the outdoor runs may be open;
- c) A restriction on the time of when barking is permitted from the kennel operation and/or property, this in addition to that prescribed by s. 5 g) of the by-law;
- d) A restriction on how many dogs are in the outdoor runs or exercise yards at one time to reduce possible noise issues;
- e) A barrier preventing the dogs from seeing motorists or persons travelling along any roads/walkways/trails etc;
- f) Additional evaluations by a qualified acoustical consultant after the kennel has been operating;
- g) Where a new kennel, increased distance separation from any adjacent habitable building excluding buildings of the owner of the property on which the kennel is located;

- h) Or any other condition that Council deems appropriate for specific applications.

## 9. RECORDS

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 individual dogs from the kennels;
- c) Breeding and identification records of all whelping bitches and stud dogs and the resulting litters;
- d) Veterinarian records on individual dogs maintained in the kennel.

## 10. KENNEL INSPECTIONS/POSTING OF LICENSE

- a) Every person who holds a Kennel license or the owner/operator of the Kennel shall, at all reasonable hours, be open to inspection by the Township Municipal Law Enforcement Officer, Ontario Society for the Prevention of Cruelty to Animals, Police Officer, any such other person trained in the area of disease control and sanitation as may be appointed by Council, or any other person authorized to do so under any Provincial or Federal Legislation.
- b) Every person who holds a Kennel license or the owner/operator of the Kennel shall keep the license posted up in some conspicuous place on the premises and shall, when so requested by any person authorized by the Township, produce such license for inspection.

## 11. PENALTY PROVISIONS

- a) Every person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000.00), exclusive of costs, for each offence as prescribed in the *Provincial Offences Act, R.S.O. 1990, C.P. 33 as amended*.
- b) 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.

## 12. GENERAL PROVISIONS

- a) This by-law shall come into force upon the date of its passing.

READ three times and finally passed  
this **7th** day of **June, 2010**.

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Chris White, Mayor

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Meaghan Reid, Clerk

## Schedule A to By-law 30/2010

Township of Guelph/Eramosa

### PART I Provincial Offences Act

By-law #30/2010

a by-law for the regulation and licensing of kennels within the Township of Guelph/Eramosa.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or defining Offence	COLUMN 3 Set Fine
1	Operate a kennel without a valid license	Section 2. a)	\$450.00
2	Fail to produce document of anti-rabies vaccine.	Section 2. b)	\$350.00
3	Fail to keep an animal in a sanitary condition	Section 5. a)	\$450.00
4	Fail to provide floors and walls made of concrete or other impermeable material for the kennel building	Section 5. b)	\$350.00
5	Allowing water to sit on a kennel floor	Section 5. c)	\$350.00
6	Fail to equip kennel with accessible fresh water and adequate feed	Section 5. e)	\$450.00
7	Fail to provide kennel with adequate natural or artificial light	Section 5. f)	\$350.00
8	Permit barking from kennel when prohibited	Section 5. g)	\$350.00
9	House breed of dog outdoors not acclimatized to temperatures	Section 5. h)	\$450.00
10	House aged, young or infirmed dog outdoors	Section 5. i)	\$450.00
11	Fail to provide an enclosed area with dry bedding for dog housed outdoors	Section 5. k)	\$350.00
12	Permit dog under treatment for communicable disease to be in group housing within a kennel.	Section 5. m)	\$450.00
13	Fail to isolate newly acquired dog before full integration into group housing	Section 5. n)	\$350.00
14	Fail to maintain the whelping bitch in a kennel in separate accommodation	Section 6. b)	\$350.00
15	Fail to provide a separate outdoor run for the whelping bitch	Section 6. c)	\$350.00
16	Fail to construct a whelping box with four sides and a floor made from impermeable material	Section 6. d)	\$350.00
17	Fail to provide adequate supplemental heat in winter	Section 6. e)	\$350.00
18	Fail to provide adequately shaded open air runs	Section 6. g)	\$350.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or defining Offence	COLUMN 3 Set Fine
19	Fail to maintain records	Section 9.	\$350.00
20	Fail to permit an inspection	Section 10. a)	\$450.00
21	Fail to post license in a conspicuous place	Section 10. b)	\$350.00
22	Fail to produce license when requested	Section 10. b)	\$350.00

NOTE: the general penalty provision for the offences listed above is *section 61* of the *Provincial Offences Act, R.S.O. 1990, c.P.33*