

**THE CORPORATION OF THE
TOWNSHIP OF ADELAIDE METCALFE**

BY-LAW NUMBER No. 48 of 2023

**BEING A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF
BREEDING AND BOARDING KENNELS WITHIN THE TOWNSHIP OF ADELAIDE
METCALFE**

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("**Municipal Act**") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

WHEREAS Section 11 of the *Municipal Act* as amended provides that a lower-tier municipality may pass By-Laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 8(3) of the *Municipal Act* confers the power upon a municipality to regulate and prohibit respecting a matter, to provide a system of licenses, permits, approvals or registrations respecting a matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

AND WHEREAS Section 151 of the *Municipal Act* authorizes the Township to provide a system of license with respect to any business wholly or partly carried on within the Township;

AND WHEREAS Section 11 of the *Municipal Act*, S.O. 2001, c.25, provides that lower-tier municipalities may pass By-Laws respecting animals;

AND WHEREAS Section 425 of the *Municipal Act*, establishes that any person who contravenes any By-Law of the municipality is guilty of an offence;

AND WHEREAS Section 429 of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a By-law of the municipality; and

NOW THEREFORE the Council of the Corporation of the Township of Adelaide Metcalfe enacts as follows;

SECTION 1
SHORT TITLE

1. SHORT TITLE

This By-Law may be cited as the Township of Adelaide Metcalfe "Kennel By-Law" or "By-Law"

SECTION 2 DEFINITIONS

2. DEFINITIONS

In this By-Law:

- 2.1 **"Animal Control Officer"** – means an individual or association appointed by Adelaide Metcalfe Council enforcing Animal Control in the Township.
- 2.2 **"Animal"** means any living organism belonging to the animal kingdom, excluding humans, and encompasses a variety of creatures, such as reptiles, arachnids, domestic animals (including canines and felines), domestic fowl, animals raised for commercial purposes, Livestock Guardian Dogs, animals kept for hobbies (e.g., breeding, showing, or sporting), household pets, exotic animals, livestock, pigeons, wild animals, and birds.
- 2.3 **"Applicant"** shall mean any person that has a License under this By-Law, any person that applies to the Township for a License or renewal of a License under this By-Law and any person whose License under this By-Law is being considered for revocation or suspension.
- 2.4 **"Boarding Kennel"** means a building, premises or place in which more than three dogs or cats are maintained or cared for, for remuneration or otherwise to a maximum number based on the square footage of the building.
- 2.5 **"Breeding Kennel"** means a building, premises or place in which more than three dogs, cats, or working dogs are bred, maintained or cared for, for remuneration or otherwise to a maximum number based on the square footage of the building. In addition, a maximum of two (2) litters of pups per bitch and kittens per queen, up to sixteen (16) weeks of age may be permitted in any licensing year.
- 2.6 **"By-Law Enforcement Officer" or "Officer"** means a person appointed by the Township of Adelaide Metcalfe for enforcing the provisions of this By-Law or a Police Officer.
- 2.7 **"Cat"** means a male or female cat over the age of eight (8) weeks
- 2.8 **"Certificate of Registration"** means a certificate of registration issued by an association incorporated under the *Animal Pedigree Act*, R.S.C., for an animal of a distinct breed or issued by the Canadian Kennel Club, American Kennel Club or by the United Kennel Club.
- 2.9 **"Chief Administrative Officer"** means the Chief Administrative Officer of the Township of Adelaide Metcalfe or his/her designate

- 2.10 **"Clerk"** means the Municipal Clerk of the Township of Adelaide Metcalfe or his/her designate
- 2.11 **"Council"** means the Council of the Corporation of the Township of Adelaide Metcalfe.
- 2.12 **"Dog"** means a male or female dog over the age of twelve (12) weeks but does not include a guide dog.
- 2.13 **"Dog Owners' Liability Act"** – means the *Dog Owners' Liability Act, R.S.O. 1990, Chapter D.16*, as amended or replaced.
- 2.14 **"Domestic Cat"** – means a feline which would customarily share human habitat and which would normally be considered dependent on humans for food and shelter. Shall not include a feline considered to be wild or indigenous to a species which would normally be considered to be wild.
- 2.15 **"License"** means a license issued pursuant to this By-Law
- 2.16 **"Livestock Guardian Dog"** – means a dog that is specifically trained to work and/or live with domestic farm animals (i.e. cattle, sheep, etc.) without causing them harm while aggressively repelling predators and is used exclusively for that purpose.
- 2.17 **"Ontario SPCA"** – means the Ontario Society for the Prevention of Cruelty to Animals as defined in the *Ontario Society for Prevention of Cruelty to Animals Act, R.S.O. 1990, c O.63*, as amended;
- 2.18 **"Municipality"** – means the Corporation of Township of Adelaide Metcalfe.
- 2.19 **"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 also include a person who is temporarily the keeper of the animal.
- 2.20 **"Proof"** means documentation signed by a qualified veterinarian attesting to the age and breed of the animal together with vaccination history, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, all documentation submitted shall be to the satisfaction of the Municipality.
- 2.21 **"Purebred Cat"** means a feline registered or eligible for registration in the register of any club or association incorporated under the Canadian Cat Association.
- 2.22 **"Purebred Dog"** – means a dog recognized as purebred of a distinct breed, by the Canadian Kennel Club, or by the American Kennel Club, or by the United Kennel Club or by any other association incorporated under the Animal Pedigree Act, R.S., 1985, c. 8.
- 2.23 **"Residential Dwelling Unit" or "Dwelling Unit"** means a suite of rooms used or intended to be used as a housekeeping unit by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

- 2.24 “**Society**” means the Ontario Society for the Prevention of Cruelty to Animals.
- 2.25 “**Working Dog/Hunting Dog**” means a dog for sporting or hunting where such dog is registered with a bon fide sporting, hunting or working dog club.

SECTION 3 **PROHIBITION**

- 3.1 No Person shall own, operate, manage, control or supervise any breeding kennel or boarding kennel unless:
- a. A valid license has been issued to that person, pursuant to Section 4 hereof, for the operation of a kennel;
 - b. The kennel is owned and operated in accordance with the provisions of this By-Law including, but not limited to, the conditions set out in Section 5 hereof.
- 3.2 No person shall breed or permit to be bred purebred or non-purebred dogs and cats in the Township except in accordance with this By-Law.

SECTION 4 **LICENSING**

- 4.1 Every owner of a kennel shall licence such kennel with the Township.
- 4.2 Before licensing any such kennel, the Township shall require the applicant to complete the application form as set out in Schedule A, pay the required annual fee in accordance with the “Fees & Charges By-Law”, as amended from time to time, and produce evidence satisfactory that the kennel is being or shall be operated, as the case may be, within the standards and conditions set out within Section 5 hereof.
- 4.3 Every owner of a kennel shall pay to the Municipality a kennel permit fee for each year or any portion thereof as may be established annually through the “Fees & Charges By-Law”, as amended from time to time.
- 4.4 A license issued to an applicant shall not be transferrable.
- 4.5 No kennel shall be located on any lot unless the building or structure conforms to the Kennel provisions outlined in the Township of Adelaide Metcalfe Comprehensive Zoning By-Law.
- 4.6 The provisions of 4.5 shall not apply to any kennel for which a license was granted and in effect as of the date of the enactment of this By-Law provided that the property owner existing of the date of enactment of this By-Law continues to be granted a licence for the operation of a kennel.

- 4.7 All applications for a kennel license shall include:
- a. A site location drawing drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for kennel purposes, and shall also specify the distance separating.
 - b. In the case of a breeding kennel, proof of valid membership in the Canadian Kennel Club or any other association incorporated under the Animal Pedigree Act (Canada) or in the case of cats, proof of valid membership in the Canadian Cat Association and its feline purebred registry.
 - c. In the case of breeding kennel for working dogs/hunting dogs, proof of valid Membership in the Canadian Kennel Club for registered hunting/working dogs and/or proof if valid membership in an association for the purpose of working/hunting dogs, or a hunting dog license for each dog issued by the Ministry of Natural Resources, if applicable.
 - d. In the case of a boarding kennel, proof of insurance by the way of certificate of insurance showing a minimum limit of two million (2,000,000) dollars in commercial general liability.
- 4.8 Every owner or operator of a kennel shall reside in a dwelling house on the same lot upon which the kennel is to be located and shall:
- a. Provide the Township with the name of the owner and operation of the kennel and the owner and all occupants of the lot upon which it is located;
 - b. Open the kennel for inspection by a By-Law officer at reasonable times.
- 4.9 The Township may issue, issue with conditions, refuse, or temporarily suspend or revoke a kennel licence at any time during tis duration in accordance with the provisions of Section 6.

SECTION 5 **KENNEL STANDARDS**

- 5.1 Boarding and Breeding Kennels shall comply at all times with the following standards:
- a. Animals shall be housed in enclosures that are large enough to permit movement freely and shall permit a confined animal to stand normally to its full height, turn around easily, lie down in a fully extended position, enable specifiers-appropriate contact, provide nursing bitches (dogs) or queens (cats) an additional ten (10) percent space per nursing puppy or kitten, as well as provide for the social and behavioural needs of the animal.
 - b. Animals which may be housed outside shall have access to an insulated shelter.

- c. Kennel walls shall be non-porous and watertight, floors shall be of a smooth concrete finish or similar material and both shall be of a material that is easily cleaned and sanitized.
- d. Suitable bedding shall be provided for the animal.
- e. Roof coverings shall be laid to prevent the entrance of rodents and vermin into the kennel and shall be constructed of a suitable material to eliminate leakage and exposure to adverse weather conditions.
- f. Ceilings and walls shall abut closely to prevent crevices that may contribute to rodent infestation and temperature loss and shall be constructed in a manner that is easily cleaned and sanitized.
- g. Adequate air ventilation and circulation shall be required to prevent respiratory disease and avoid the spread of contaminants, viruses, bacteria, and mould.
- h. Every interior space available to animals shall have a floor drain appropriately grade to provide for proper drainage.
- i. Outside exercise facilities shall be provided and such facilities shall be fenced and maintained in a manner to keep animals securely enclosed and constructed of materials that will not cause injury, are large enough for the animal to run, surfaced with strata that does not allow slipping, and which can be easily cleaned, sanitary and kept free of debris.
- j. Animals shall be provided access to fresh drink water at all times.
- k. Animals shall be fed adequate and contaminant-free food in an amount capable of maintaining full health.
- l. Food shall be stored in such a manner to prevent rodent and vermin.
- m. Kennels shall be monitored, supervised, and managed to ensure the safety of animals, staff or the public.

SECTION 6 **REVOCATION AND SUSPENSION**

6.1 The Township may:

- a. Issue, refuse or issue a kennel licence with conditions to an applicant; or,
- b. Temporarily suspend or revoke a kennel licence at any time during its duration

- 6.2 The exercise of a power under Section 6.1 is at the discretion of the Clerk or designate and without limiting such discretion, the Clerk or designate may exercise its powers under 6.1.a or 6.1.b if the conduct of the applicant or kennel licensee affords reasonable ground for belief that the applicant or licensee will not comply with the provisions of the By-Law or with honesty or integrity.
- 6.3 Where a licensee has been served with a written notice pursuant to this Section, the licensee may appeal the decision in writing within fourteen (14) days.
- 6.4 Upon receipt of an appeal, the matter shall be referred to Council.
- 6.5 The Clerk shall notify the applicant in writing of the meeting of Council upon which the appeal will be heard. Where an licensee fails to attend such meeting, Council may proceed with the hearing of the appeal in their absence.
- 6.6 The Clerk shall notify the licensee of Council's decision in writing within 14 days of the decision being made.
- 6.7 Should a license be revoked under this Section, the licensee is entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.
- 6.8 The Council may notify any other licensing authority or person as it considers appropriate of any action it takes under this Section.

SECTION 7 **ENFORCEMENT AND PENALTIES**

- 7.1 Any Police Officer, By-Law Enforcement Officer or Animal Control Officer is hereby authorized to enforce the provisions of this By-law.
- 7.2 Every Person or Owner shall allow any Officer to conduct inspections of the premises where their animal(s) are kept or to make necessary inquiries to ensure compliance with the provisions of this By-Law.
- 7.3 Any Person or Owner who contravenes any provision of this By-Law commits an offence under the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended or replaced. Upon conviction, they may be liable for a penalty not exceeding \$5,000, exclusive of costs,

SECTION 8 **SEVERABILITY**

- 8.1 If any section, clause or provision of this Kennel By-Law be held by a Court of competent jurisdiction to be invalid, in whole or in part, the validity of the remainder of that section, clause or provision and the validity of the remainder of this Kennel By-Law shall not be

affected thereby. Each section, clause or provision of this Kennel By-Law are hereby deemed to be separate and distinct sections, clauses or provisions.

SECTION 9
CHANGES IN STATUTES

- 9.1 Where an Act or any portion of any Act is referred to in this By-Law, such reference shall be interpreted as referring to any subsequently renumbered sections of the Act and/or changes to the date of the Act and/or amendments or revisions to the Act or re-enactments of the Act or any legislation that replaces the Act.

SECTION 10
EFFECTIVE DATE

- 10.1 This Kennel By-Law comes into full force and effect on the date of passage of this By-Law.

SECTION 11
INCONSISTENCY

- 11.1 If any other By-Law of the Municipality is inconsistent with the sections, clauses or provisions herein, the sections, clauses or provisions of this Kennel By-Law shall prevail to the extent of such inconsistency. If this section 17 is applied to any other By-Law, all other sections, clauses or provisions of that By-Law shall remain in full force and effect.

Read a first, second and third time

IN OPEN COUNCIL

This 5th day of September, 2023.



Sue Clarke, Mayor



Michael Barnier, Clerk

Schedule "A"

To By-Law 48 of 2023



The Township of Adelaide Metcalfe - Kennel Licence Application

Name of Applicant: _____

Registered Kennel Name: _____

CKC and/or Bonafide Club Registered Name of Number: _____

Is this a new application: Yes No Years of Operation: _____

Address: _____

Phone (residence) _____ Phone (Business): _____

Please attach the following:

- Site Location drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for kennel purposes, and shall also specify the distance separating the kennel from all property lines as well as all building and their existing use for adjacent properties.

Breeding Kennels

- Proof of valid membership in the Canadian Kennel Club or any other association incorporated under the Animal Pedigree Act (Canada) or in the case of cats, proof of valid membership in the Canadian Cat Association and its feline purebred registry.
- In the case of a breeding kennel for working dogs/hunting dogs, proof of valid Membership in the Canadian Kennel Club for registered hunting/working dogs and/or proof of valid membership in an association for the purpose of working/hunting dogs, or a hunting dog license for each dog issued by the Ministry of Natural Resources.

Boarding Kennels

- proof of insurance by way of certificate of insurance showing a minimum limit of two million (2,000,000) dollars in commercial general liability

Signature: _____

Date: _____

OFFICE USE ONLY

Approved

Denied

Date: _____