

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER 046-17

BEING A BY-LAW TO PROVIDE FOR THE OPERATION AND LICENSING OF KENNELS IN THE TOWNSHIP OF WELLINGTON NORTH.

WHEREAS the Council of The Corporation of the Township of Wellington North has deemed it necessary to pass a by-law to provide for the establishment of and licensing kennels.

NOW THEREFORE the Council of the Corporation of the Township of Wellington North hereby enacts as follows:

1. DEFINITIONS

- 1.1 **Animal Control Officer** - shall mean the person or persons appointed by the Council to enforce this By-law and includes the person appointed by the Municipality to control dogs and any servants or agents of such person, any peace officer having jurisdiction within the Municipality.
- 1.2 **Clerk** means the Clerk of The Corporation of the Township of Wellington North.
- 1.3 **Council** means the Council of The Corporation of the Township of Wellington North.
- 1.4 **Dog** - shall mean any member of the species canis familiaris which is over twelve (12) weeks of age;
- 1.5 **Kennel** – shall mean a place where more than 3 dogs are housed, groomed, bred, boarded, trained, sold or kept for hunting and includes both Boarding Kennels and Breeding Kennels on a lot or parcel which is 25 acres or greater in size within an Agricultural Zone of the Municipality's Zoning by-law and which are licensed under the provisions of this By-law;
- 1.6 **Noise** - shall mean the sound made by any Dog which unreasonably disturbs the peace, quiet, comfort or repose of any person in any dwelling unit for a period longer than ½ hour, more than twice in seven days;

- 1.7 **Owner** - shall mean any person, group of persons, partnership or corporation who or which possesses or harbours a dog; the words "own", "owns" or "owned", shall have a corresponding meaning, and shall include a person or persons who are temporarily the keeper of dogs; and where the Owner is a minor, shall include the person or persons having the custody of the minor;
- 1.8 **Pound** - includes a veterinary facility or other place(s) designated by resolution of the Council of the Municipality;
- 1.9 **Pound Fee** includes any daily charge that may be collected by the operator of a Pound;
- 1.10 **Pound Keeper** - shall mean the person, or persons, or agency that act as keeper of the Pound;
- 1.11 **Township** - shall mean The Corporation of the Township of Wellington North
- 1.12 **Zoned** means a land use designation in a zoning by-law passed under the provisions of the Planning Act, R.S.O. c. P. 13, as amended.

2. KENNELS

- 2.1 Every Owner or Operator of a Kennel shall no later than the 15th day of January in each year apply for a Kennel License in the form attached hereto as Schedule B.
- 2.2 No person shall own or operate a Kennel without a Kennel License.
- 2.3 All breeding dogs in a kennel shall be properly licensed and tagged.
- 2.4 No person shall use a tag on a Dog other than the Dog for which such tag is issued.
- 2.5 Every person who owns or operates a Kennel shall comply with the applicable by-laws of the Township. No Kennel License shall be issued unless such Kennel complies with the by-laws of the Township. Where an Owner or Operator of a Kennel fails to comply with a by-law of the Township, the Kennel License may be suspended or revoked.
- 2.6 Every person who owns or operates a Kennel shall permit an Animal Control Officer, upon production of proper identification, to enter and inspect the Kennel at all reasonable times for the purposes of

determining compliance with the license and the provisions of this by-law or any other by-laws of the Township applicable to a Kennel.

- 2.7 Every person who owns or operates a Kennel shall have regard to and operate within the guidelines set out in "A Code of Practice for Canadian Kennel Operations", (Canadian Veterinary Medical Association) second edition May, 2007) as amended from time to time.
- 2.8 No person who owns or operates a Kennel shall keep Dogs in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the animal or animals results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person.
- 2.9 Every person who owns or operates a Kennel shall provide the animals under care, or cause them to be provided with,
 - 2.9.1 clean, fresh drinking water and suitable food of sufficient quantity and quality to allow normal, healthy growth and the maintenance of normal, healthy body weight;
 - 2.9.2 food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - 2.9.3 the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
 - 2.9.4 necessary veterinary medical care when any animal exhibits signs of pain, illness or suffering;
 - 2.9.5 sufficient designated space for the proper enrichment and socialization of puppies;
 - 2.9.6 protection from heat, cold and wet and be of sufficient size to allow the animal the ability to turn around freely and lie in a normal position;
 - 2.9.7 access to a fenced area to the outside that permits the animal to access the outside area and return to the inside area on its own accord;
- 2.10 Every run or pen area must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

- 2.11 Every run, pen, or exercise yard shall be surrounded by a sturdy fence with a minimum height of 1.2 meters.
- 2.12 Every person who owns or operates a Kennel shall undertake measures to ensure that residences on adjacent properties are not subjected to persistent barking, calling, whining or other persistent Noise making by the Dogs kept at such Kennel.
- 2.13 Where the Township receives a complaint about Noise emissions from a licensed Kennel, an Animal Control Officer shall investigate such complaints and may at his or her sole discretion initiate a prosecution with respect to an alleged contravention of subsection 2.11.
- 2.14 Where a Kennel is found guilty of 3 or more violations of subsection 2.11 in one license term, the Animal Control Officer or Council may order the Owner or Operator to submit, at its expense, a noise evaluation study prepared by a qualified acoustical consultant and may suspend the license to operate a Kennel until such time as the Noise evaluation study has been reviewed and approved by the Township and satisfactory arrangements for the implementation of any Noise abatement measures have been made, including the entering into of any agreements and the posting of any securities required to ensure the completion of any required noise abatement measures.
- 2.15 Any application for a new kennel shall be subject to an application being made for an amendment to the Township Zoning By-law in respect to applicable zoning for a kennel in conjunction with the application for a kennel license referred to in Section 2.1
- 2.16 A license to operate a kennel shall be subject to such terms and conditions set out in the license and no person shall operate a Kennel except in accordance with the terms and conditions of the kennel license issued by the Township.
- 2.17 Notwithstanding Section 2 of this by-law, no person shall operate a kennel within or about any household or building within the Township of Wellington North save and except persons with licensed kennels legally established prior to the passing of By-law 49-2000, OR after the passing of By-law 49-2000 where the kennel was established in compliance with the provisions of the applicable Zoning By-law and Licensing By-law for the operation of the Kennel within the Township of Wellington North.
- 2.18 The applicant shall provide acoustical barriers where necessary, as determined by the animal control officer. Barriers are to be set out on the

detailed site plan and submitted with the application for the kennel license and may include, but not limited to solid fence and/or natural buffer of trees and/or mound of earth.

- 2.19 No kennel or facility or structure used in connection with the kennel and established before the passage of this by-law, shall be located less than 150 metres (492 feet) of any adjacent property owners habitable building or buildings for the keeping of livestock.
- 2.20 Any new kennel license issued after the passage of this by-law shall be limited to a maximum of 25 dogs.
- 2.21 Kennels shall be owned, managed and/or operated by the property owner on which the kennel is located;
- 2.22 The kennel owner/operator/manager shall reside on the property on which the kennel is located.
- 2.23 All kennels who have currently received their 2017 kennel license, shall be subject to the provisions in the amended by-law and will be required to meet the requirements in the kennel application form in 2018 and subsequent years.

3. FAILURE TO COMPLY AND COST RECOVERY

- 3.1 The Township, its agents and servants, and any Animal Control Officer shall not be liable for damages or compensation for any Dog injured or killed under the provisions of this By-law and no such damages or compensation shall be paid to any person.
- 3.2 Where a person defaults in complying with a direction, requirement or order under this By-law to do a matter or thing, an officer or agent on behalf of the Township may, with such assistance from others as may be required, enter the land on which the contravention occurred at any reasonable time, and carry out such direction, requirement or order at the person's expense.
- 3.3 In accordance with section 446 of the *Municipal Act, 2001* the Municipality may recover the costs, from the person directed, required or ordered to do a matter or thing under this By-law, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, and such costs to the tax roll and collecting them in the same manner as property taxes, and such costs shall include interest at an annual rate of 15 per cent.

- 3.4 For the purpose of subsection 3.3, interest shall be calculated for the period commencing the day the Municipality incurs the costs and ending on the day the costs including the interest are paid in full.
- 3.5 The amount the Municipality's costs incurred plus interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

4. PENALTY PROVISIONS

- 4.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence pursuant to section 429 of the Municipal Act and all contraventions of this by-law are designated as continuing offences.
- 4.2 Every person who is convicted of an offence is liable to a minimum fine of Two Hundred and Fifty Dollars (\$250) and a maximum fine of Twenty-Five Thousand Dollars (\$25,000.00) for the first offence and a maximum fine of Fifty Thousand Dollars (\$50,000.00) for a subsequent offence.
- 4.3 Notwithstanding section 15.2, every person who is convicted of an offence is liable to a set fine pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 4.4 Pursuant to section 441 of the *Municipal Act, 2001* if any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, including any extension of time for payment ordered under that section, the Municipality may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.
- 4.5 If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the Municipal Act, 2001.
- 4.6 In accordance with section 441.1 of the *Municipal Act, 2001* any part of a fine owing pursuant to this by-law or a related provincial offence may be added to the tax roll for any property in the Municipality for which all of the Owners are responsible for paying the fine, and collect such fine in the same manner as municipal taxes.

5. SEVERABILITY

5.1 If any section, subsection, clause, paragraph or provision of this By-law is found by any Court of competent jurisdiction to be invalid or beyond the powers of the Council to enact, such section, subsection, clause, paragraph or provision shall be deemed to be severable from the remainder of this by-law and all other sections or parts of this By-law shall be deemed to be separate and independent there from and are enacted as such.

6. REPEAL SECTION

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

6.2 Notwithstanding section 6.1 the set fines referred in section 4.3 above will come into force and effect upon the final approval of the set fines schedule by the Chief Justice, or designate, of the Ontario Court of Justice pursuant to Part 1 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended. The set fines schedule, as approved, is attached hereto as Schedule "A" and forms part of this by-law.

READ A FIRST AND SECOND TIME THIS 26th DAY OF JUNE, 2017.

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK

READ A THIRD TIME AND FINALLY PASSED THIS DAY OF 2017

ANDREW LENNOX, MAYOR

KARREN WALLACE, CLERK

Schedule A

The Corporation of the Township of Wellington North

PART I PROVINCIAL OFFENCES ACT

By-law Number 046-17: A by-law to provide for the establishment of and licensing kennels.
within the Township of Wellington North

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fines
1	Owning or operating a Kennel without a Kennel license	Section 2.2	\$350.00
2	Not licensing and tagging breeding dogs	Section 2.3	\$100.00
	Using a dog tag for a dog other than the dog for which the tag was issued	Section 2.4	\$50.00
3	Not permitting inspector to enter and inspect Kennel	Section 2.6	\$250.00
4	Owning or operating a Kennel and keeping dogs in an unsanitary condition	Section 2.8	\$200.00
5	Not providing clean, fresh drinking water and suitable food of sufficient quality	Section 2.9.1	\$200.00
6	Not keeping food and water receptacles clean and disinfected and located so as to avoid contamination by excreta	Section 2.9.2	\$200.00
7	Not providing opportunity for periodic exercise	Section 2.9.3	\$200.00
8	Not providing necessary veterinary care	Section 2.9.4	\$200.00
9	Not providing proper enrichment for socialization of puppies	Section 2.9.5	\$200.00
10	Not providing enclosure with protection from heat, cold and wet and of sufficient size	Section 2.9.6	\$200.00
11	Not providing unfettered access to an outside fenced area	Section 2.9.7	\$200.00
12	Not regularly cleaning and sanitizing run or pen or removing and disposing of excreta daily	Section 2.10	\$200.00
13	Run or pen not surrounded by sturdy fence with minimum height of 1.2 metres	Section 2.11	\$200.00
14	Fail to ensure kennel does not disturb adjacent properties	Section 2.12	\$200.00
15	Fail to provide acoustical barriers	Section 2.18	\$200.00

16	Not limiting dogs to 25 or less	Section 2.20	\$200.00
17	Fail to own/operate/manage kennel by property owner	Section 2.21	\$200.00
18	Fail to reside on the property on which a person owns/operates/manages	Section 2.22	\$200.00

NOTE: The general penalty provision for the offences listed above is section 15 of bylaw 004-2017, certified copied of which have been filed and s. 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33



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Kenilworth, ON N0G 2E0

www.wellington-north.com

519.848.3620
1.866.848.3620 FAX 519.848.3228



Schedule B Kennel Application Form

Date Received:	
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Kennel Type	Fee	
Breeding Kennel	<input type="checkbox"/>	<input type="checkbox"/> \$150.00
Boarding Kennel	<input type="checkbox"/>	<input type="checkbox"/> \$150.00

Personal information on this form is collected under the legal authority of the Municipal Act. The information is collected and maintained for the purpose of creating a record public pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act. Questions about this collection should be directed to the Clerk's Office. 519-848-3620 ext. 27.

Applicant Information			
Full Name	Last	First	MI
Address	Street Name & Number		PO Box
	Apt #	City/Town	Postal Code
Home Phone:		Business Phone:	
E-mail:			
Kennel Name:			
Kennel Address:			

Required Information for your Application – NEW KENNELS
<input type="checkbox"/> Kennel Floor Plans
<input type="checkbox"/> Planning Department Sign off –receipt of Zoning Amendment application
<input type="checkbox"/> Site Plan Approval
<input type="checkbox"/> Building Department Approval

Required Information For Your Application – RENEWAL AND NEW KENNELS

Completed Application Form

License Fee (cash, cheque, debit)

If this is a Renewal License, have you expanded the operation? Yes No

• If yes, please provide details: _____

Dog Licenses for dogs permanently living at address (mandatory purchase at time of application)

Boarding Kennel – Insurance Certificate (minimum limit of \$2,000,000)

Breeding Kennel – Proof of Membership

- Canadian Kennel Club
- Other _____

Police Information Check (dated within 60 days of application)

- Yearly for Owners/Operators
- Staff – 1st year of employment, every 3rd year after

Complete list of all dogs kept on premises stating:

- name, breed, age, and sex

Current veterinary reports for all animals on the premises showing the following:

- that all vaccinations are up to date
- the dogs are in good health; and
- Breeding Kennels – the number of times per year that the dogs were bred

Signature of Applicant

I, _____, hereby declare that the above information is correct, that I have read and understood the provisions contained in By-Law #046-2017, as amended of the Township of Wellington North as well as the Code of Practice for Canadian Kennel Operations, as amended and agree to abide by these and any other applicable by-laws and code pertaining to Kennels.

Signature

Date

FOR OFFICE USE: Department Sign Off:

Planning Department	Signature:	Date:
Building Department	Signature:	Date:
Clerk's Department	Signature:	Date:

REMIT TO: Clerk, Township of Wellington North, Box 125, 7490 Sideroad 7 W, Kenilworth ON N0G 2E0