

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW 2006-228

Being a By-law to license, regulate and govern kennels
in the Municipality of Clarington

WHEREAS section 150 of the *Municipal Act, S.O. 2001* authorizes Council to license and regulate a variety of businesses and events. The authority includes: the power to issue licences on condition, revoke licences, suspend licences, to regulate or govern the place used in carrying on of businesses, and many other matters; and

WHEREAS the Council of the Corporation of the Municipality of Clarington deems it necessary and desirable to license certain businesses carried on in the Municipality of Clarington to promote the health and safety of residence, provide nuisance control, and ensure consumer protection,

NOW THEREFORE the Council of the Corporation of the Municipality of Clarington enacts as follows:

1.0 DEFINITIONS: For the purposes of this By-law;

ANIMAL - shall mean any member of the animal kingdom of living beings, excluding humans. Without limitation, "ANIMAL" shall include mammals, Dogs, Cats, birds, and reptiles.

ANIMAL SOUND - shall mean any sound emitted from an animal which, is audible at a point of reception. This term includes: barking, whimpering, whining, howling, and yelping.

ANIMAL SERVICES OFFICER - shall include any Person employed by the Municipality of Clarington to enforce the provisions of this By-law.

APPLICANT - shall include a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension.

BOARDING - shall mean the taking in of domestic animals for a period of time for financial gain.

BOARDING FACILITY - shall mean a facility that takes in domestic animals for a period of time for financial gain.

BREEDING - shall mean the generating of offspring resulting in a strain of related dogs similar in type and use.

BUSINESS - shall include a trade that requires a licence pursuant to this By-law, whether or not a licence has been issued or maintained for that business.

BY-LAW - shall mean this By-law as it may be amended from time to time. The Recitals to and the schedules attached to this By-law are considered integral parts of it.

CHIEF BUILDING OFFICIAL - shall mean the person within the Municipality's administration who fulfills the function of chief building official as required by the *Ontario Building Code Act, 1992*, or his or her delegate.

COUNCIL - shall mean the elected municipal council for the Municipality of Clarington.

DOG - shall mean a domesticated carnivore of the species *canis familiaris* that is over 12 weeks of age.

KENNEL - shall mean any building, structure, dog run or other facility or part thereof, where:

- a) dogs are kept for breeding or show purposes; or
- b) dogs are kept solely for the purpose of routinely entering into dog sled or other similar races; or
- c) hunting dogs are kept for hunting purposes.

(i) COMMERCIAL BOARDING kennel or COMMERCIAL BREEDING kennel - shall mean any kennel used for the keeping of eight (8) or more dogs but does not include a veterinarian clinic.

(ii) PRIVATE KENNEL - shall mean any kennel used for the keeping, breeding or training of more than three (3) but less than eight (8) dogs for the personal, recreational use of the owner of lands upon which such Kennel is located, but does not include a veterinarian clinic.

In addition to the maximum number of dogs set out above, a maximum of two (2) litters of pups, per bitch, up to sixteen (16) weeks of age may be permitted in any licensing year.

LICENCE - means a licence to operate a trade issued pursuant to this By-law.

LICENSING OFFICER - shall mean a Municipal Law Enforcement Officer appointed by Council for the purpose of processing and issuing licences under this By-law and enforcing the provisions of this By-law.

MUNICIPAL CLERK - shall mean the person within the Municipality's administration who fulfills the function of municipal clerk as required by the *Municipal Act, 2001* or his or her delegate.

MUNICIPALITY - shall mean the Corporation of the Municipality of Clarington.

MUNICIPAL LAW ENFORCEMENT OFFICER - shall mean a person or persons appointed by Council for the purpose of animal control or appointed as a Municipal Law Enforcement Officer.

OPERATOR - shall mean a person with care and control of a business at any given point in time, with authorization of the owner of the business. The terms "operate", "operation", and words of like import or intent have corresponding meaning.

OWNER - shall mean the person who owns, possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the dog.

POINT OF RECEPTION - shall mean any geographic location at which a sound can be heard, excluding the premises from which the sound originates.

PROPERTY OWNER - shall mean the person who is the registered owner of the property on which the kennel or boarding facility is located.

PUREBRED - shall mean a dog whose sire and dam represent the same breed and are themselves of unmixed descent.

TRADE - shall mean and include business, calling or occupation and "carrying on a trade" includes any act of:

- a) selling any goods or services; or
- b) soliciting business or offering or exposing goods or services for sale or hire.

2.0 LICENSING

2.1 No person shall own, operate, manage, control, supervise or have any kennel, or boarding facility without a licence issued by the Municipality.

2.2 Only the Property Owner may apply for and be issued a licence. A licence issued to the Property Owner is not transferable to any new Property Owner.

2.3 Every Property Owner who applies for a licence shall do so in writing on the form provided by the Municipality.

2.4 Private and Commercial Breeding Kennel applicants shall supply the following:

2.4.1 In the case of a Kennel for Purebred Dogs, proof of active membership in the Canadian Kennel Club or any other association incorporated under the Animal Pedigree (Canada); or

2.4.2 In the case of a Kennel for sled Dogs, proof of active participation or registration in dog sled or similar races within the previous or impending twelve (12) months as may be deemed acceptable by the Licensing Officer; or

2.4.3 In the case of a Kennel for hunting Dogs,

- (a) proof of active membership in the Canadian Kennel Club for registered hunting Dogs; or
- (b) proof of active membership in an association for the purpose of hunting Dogs training or trailing; or
- (c) a hunting Dog Licence for each Dog issued by the Ministry of Natural Resources within the previous 12 months; or
- (d) such other proof of hunting activities in the previous or impending 12 month period as may be deemed acceptable by the Licensing Officer.

2.4.4 In all cases written clearance from the Municipality of Clarington assuring compliance with the Zoning By-law, with any associated costs borne by the applicant; and

2.4.5 In all cases 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. The site location drawing must also specify the distance which separates the Kennel from all property lines and all buildings, including any residential buildings situated on the adjacent properties; and

2.4.6 In all cases, a list of all Dogs to be kept at the subject property, including both Purebreds and non-Purebreds, and verification of current rabies vaccination for each Dog; and

2.4.7 In all cases, the Private Kennel Licence Fee or Commercial Breeding Kennel Licence Fee as set out in Schedule "A" of this By-law; and

- 2.4.8 A sworn declaration by the Owner or agent that he/she have never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty or a similar offence in another country, and for which the applicant has not received a pardon.
- 2.5 Every Owner applying for a Licence for a Commercial Boarding Kennel shall submit the following documentation:
- 2.5.1 Written clearance from the Municipality of Clarington assuring compliance with the Zoning By-law, with any associated costs borne by the applicant; and
- 2.5.2 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, structures, dog runs or facilities to be used for a Boarding Facility. The site location drawing must also specify the distance which separates the Facility from all property lines and all buildings, including residential buildings situated on the adjacent properties; and
- 2.5.3 Commercial Boarding Kennel Licence Fee as set out in Schedule "A" of this By-law; and
- 2.5.4 A sworn declaration by the Owner that they have never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty or a similar offence in another country, and for which the applicant has not received a pardon.
- 2.6 Refusal of Licence
- 2.6.1 The Licensing Officer shall refuse any Licence application which does not meet with all of the requirements of this By-law.
- 2.6.2 In the event that a Licence is refused, the Licensing Officer shall give Notice in writing to the Property Owner by registered mail or personal delivery.
- 2.6.3 The Property Owner may apply to the Licensing Officer in writing within twenty (20) days from the date of notice for a hearing before Council.
- 2.6.4 Upon receipt of a request for a hearing, the Licensing Officer shall arrange for such hearing at a Council Meeting and a notice of the date, time, and location of the hearing shall be given to the Property Owner in writing by registered mail or personal delivery not less than seven days prior to the hearing.
- 2.6.5 Council shall review the application for Licence together with the Licensing Officer's reasons for refusal and/or recommendations for conditions to be placed on any Licence and shall hear the Property Owner's or agent's verbal or written submissions as to how the application fulfills the requirements of this By-law.
- 2.6.6 Council, upon reviewing and hearing these submissions shall confer on the matter and shall render its decision and reasons therefore. In accordance with Section 239 of the *Municipal Act*, Council may confer in Closed Session on the matter but shall render its decision and reasons therefore in Open Session.
- 2.6.7 Council may, in rendering its decision, place special conditions on the Licence for a specified time period.

2.6.8 The Licensing Officer shall give written Notice of Council's decision to the Owner in writing, by registered mail or personal delivery, within ten (10) days of the decision.

2.6.9 Council's decision shall be final and not subject to further review.

2.7 Licensing period

2.7.1 Licences are valid from the date of issue and expire on March 31st of each year.

2.7.2 Notwithstanding Section 2.7.1 above, the Licensing Officer shall suspend or revoke any Licence issued under the authority of this By-law where the Licensing Officer deems it desirable and necessary.

2.7.3 The provisions of Section 2.6; with necessary modifications, apply to the suspension or revocation of a License.

2.8 Exemption from Dog Tags and Three (3) Dog Limit

2.8.1 Upon the issuance of a Licence under this By-law, the Property Owner shall be exempt from the purchase of licenses under the prevailing Responsible Pet Owners By-law for the Dogs in a Commercial Breeding Kennel or Dogs in a Private Kennel.

2.8.2 Notwithstanding 2.8.1, the Property Owner of a Commercial Boarding Kennel shall not be exempt from the purchase of licenses, under the prevailing Responsible Pet Owners By-law, for Dogs or the three (3) Dog limit in respect to any Dogs owned by the Property Owner unless the Property Owner holds a valid Private Kennel Licence for the subject property.

2.8.3 Where the total number of Dogs owned and boarded on a particular property does not exceed the number of Dogs permitted under the prevailing Responsible Pet Owners By-law or the *Dog Owners Liability Act*, a Kennel Licence is not required under this By-law.

2.8.4 No licence shall be required for the following operations:

- a) an animal shelter operated by or on behalf of a public authority;
- b) a veterinary hospital or clinic;
- c) a publicly funded educational institute; or
- d) any facility in which animals are placed for care pursuant to the Pounds Act.

2.8.5 Where the Owner of a Private Kennel wishes to use dog tags supplied by the Municipality to identify dogs housed at the Kennel, the Owner may receive such tags from the Municipality at no charge.

2.9 Licence Display

2.9.1 Each Kennel Licence, when issued, shall be posted in a conspicuous place on the licensed premise.

2.10 Inspections of Premises

2.10.1 The Municipal Clerk, or designate, may, at any reasonable time, inspect the premises of the Owner or Operator of a Kennel and the equipment, and other personal property used or kept for hire in the carrying on of the Business. Where the Kennel operation is conducted in part in a dwelling unit, the Officer may inspect that portion of the dwelling unit used as the Kennel operation.

2.11 Kennel Regulations

2.11.1 Where the Kennel operation is located in part in a building or structure that is separate from the principle dwelling, the Kennel Owner shall ensure that the following standards are met:

- a) Dogs shall be housed in individual enclosures, except in the case of puppies less than six (6) months of age with or without the bitch, unless the pet owner expresses a specific wish for their pets to be housed together and would not be deemed inhumane to do so.
- b) Each enclosure shall be large enough to permit any Dog enclosed therein to move freely and in particular shall permit each animal confined therein to:
 - i) stand normally to its full height
 - ii) turn around easily
 - iii) move about easily for the purpose of posture adjustments
 - iv) lie down in a fully extended position
 - v) enable species-appropriate contact
 - vi) provide bitches with nursing puppies an additional 10% space per nursing puppy
 - vii) provide for the social and behavior needs of the Dog.
- c) Floors shall be of smooth concrete finish or similar like material and shall be adequately sloped to drains.
- d) Walls shall be non-porous, watertight and easily cleaned and sanitized. Inside surfaces shall be smooth, durable and impervious to facilitate cleaning.
- e) Where floors are on grade, suitable bedding shall be provided in the form of a raised wood, fibreglass or similar platform, large enough for the Dog to lie on.
- f) 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.
- g) Ceilings and walls shall abut closely to prevent crevices which can lead to rodent infestation.
- h) Corners of ceilings, walls and partitions shall be caulked and painted so as to be completely washable.
- i) Proper air circulation shall be ensured to prevent respiratory disease and to avoid the spread of contaminants, viruses, bacteria and molds.

- j) The temperature for an indoor facility shall be maintained at a minimum of 10°C with a maximum of 27°C. Temperatures shall be suitable to the breed, coat length, age and condition of the Dogs housed in the Kennel.
- k) Outside exercise facilities shall be provided which shall be fenced and maintained in such a manner as to keep the Dogs securely enclosed. Outside exercise runs shall be large enough for Dogs to break into a trot and provide protection. The exercise running surface must be safe and not slippery, and free from debris that could cause injury or damage to the Dog. Each Dog shall be placed in such facilities at least twice in every 24-hour period for not less than 30 minutes each period, or other reasonable duration appropriate to the weather conditions. The outdoor exercise facility shall be kept in a sanitary manner.
- l) No Dog shall be placed in an outside exercise facility in inclement weather.

2.11.2 Notwithstanding 2.11.1, where a Kennel forms part of the principle dwelling unit on the property, and where enclosures are provided for the Dogs, the standards described in Section 2.11.1 (a) through to (l), inclusive, shall apply to those enclosures.

- 2.12 Every Kennel Operator shall maintain the Kennel in a clean and sanitary condition at all times. In particular the Kennel Operator shall ensure that all excrement, refuse and other objectionable material is removed from the cages and Kennel area at least twice in every twenty-four (24) hour period including weekends and from the premises once per week in an acceptable manner. The Animals shall be removed from the cages and Kennel area while the area is being cleaned.
- 2.13 Every Kennel Operator shall ensure that all Dogs are provided with an adequate source of clean, fresh drinking water available to them at all times, and adequate, nutritional and contaminant-free food capable of maintaining the Dog in full health and vigor is provided. Food storage bins must be covered, vermin proof and properly marked. Food dishes and utensils shall be stored in a clean and protected area.
- 2.14 The whelping area shall be separated from the individual and/or group Kennel enclosures housing other Kennel Dogs, thereby providing the whelping bitch privacy.

3.0 KENNEL MANAGEMENT

- 3.1 Every Kennel Operator shall provide adequate, regular supervision and efficient knowledgeable health care controls to ensure no harm comes through the association with incompatible Dogs, sick Dogs or other adversarial animals or vermin.
- 3.2 Every Operator of a Boarding Kennel shall maintain Kennel records for each Dog boarded at the Kennel. The record shall include: the Dog's name; tattoo or microchip number, the owner's name, address and contact number; and emergency contact number; a daily health record of the Dog including any meds or other health issues; documentation respecting any behaviour incidents. These records shall be maintained for a minimum of six (6) months from the date of the stay at the Kennel.

- 3.3 Every Operator of a Breeding Kennel shall maintain records including: breed, sex, date of birth, the sire and dam, tattoo or microchip number, colour and markings. Individual records shall be developed by the time the litter is weaned and shall include medications, vaccinations, and examinations for internal and external parasites and the results thereof.
- 3.4 Every Kennel Operator shall have a established rapport with a local veterinary hospital to deal with emergencies that may arise from time to time.
- 3.5 Every Kennel Operator shall maintain written Dog care procedures and such procedures shall be readily available to all Kennel personnel at all times. These procedures shall include method of handling Kennel sickness, injury or death, back-up transportation, and a list appropriate phone numbers for the Clarington Animal Services, humane society, and the veterinarian.

4.0 APPLICATION FOR EXCEPTION

- 4.1 A person whose Kennel or keeping of dogs conforms with the intent of this By-law but does not comply with the requirements of the By-law may make application, for an exception, to the Municipal Clerk, or designate. Each application shall be considered on a case by case basis.

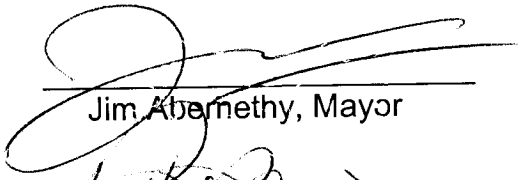
5.0 PENALTIES AND CONDITIONS


- 5.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine as set out in the *Provincial Offences Act, R.S.O.*
- 5.2 In the event any provisions of this By-law is deemed invalid or void, in whole or part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- 5.3 Kennel Licenses issued under the Preceding By-law shall remain in force and until the expiry of the licence.
- 5.4 Kennel Owners/Operators operating under the Preceding By-law that do not meet all the requirements this by-law shall be granted one year, from date of passing of this by-law, to make all necessary changes necessary to comply with this by-law.
- 5.5 This By-law shall come into full force and effect immediately upon its final passing by Council.

Read a first time this 18th day of December 2006

Read a second time this 18th day of December 2006

Read a third time and finally passed this 18th day of December 2006


Jim Abernethy, Mayor


Patti L. Barrie, Municipal Clerk

Schedule A

Fee Schedule

Licence Type	First Time	Renewal
Commercial Boarding Kennel	\$200.00	\$150.00
Commercial Breeding Kennel	\$200.00	\$150.00
Private Kennel	\$150.00	\$100.00

Note: Where a Kennel Owner is operating more than one type of Kennel on the same property, only one licence shall be issued which shall list the primary and any subsidiary operations, and only one fee shall be required and that fee shall be the fee for the primary operation.