

## The Corporation of the Township of Centre Wellington

### By-law 2019-70

#### A By-law to Regulate the Keeping, Registration, Licensing, Control and Welfare of certain classes of animals in the Township of Centre Wellington

**Whereas** section 11 (2), paragraph 6 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

**And Whereas** section 11 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass a by-law to regulate animals;

**And Whereas** section 11(2) paragraph 8 and section 11(3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to pass by-laws respecting animals and the protection of persons and property;

**And Whereas** section 8 (3) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to provide for a system of licences with respect to animals;

**And Whereas** section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended authorizes a municipality to delegate its powers and duties;

**And Whereas** the Council of the Corporation of the Township of Centre Wellington deems it necessary and expedient to regulate the keeping of dogs, cats and other animals in the Township of Centre Wellington;

**Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:**

#### 1. Definitions

1.1 In this By-law:

**“Agricultural Property”** means any lands designated as an agricultural zone under the provisions of the Township’s zoning by-law where the predominant use is for agricultural purposes;

**“Animal”** means any member of the animal kingdom, other than a human;

**“Building”** means a building as defined in the Building Code Act, as amended or a structure or any part thereof used or intended to be used for supporting or sheltering any use or occupancy;

**“Cat”** means a regular domestic cat;

**“Clerk”** means the Clerk for the Township or any person designated by the Clerk;

**“Committee”** means the Appeal Committee as appointed by Council for the Township or other Committee appointed pursuant to this By-law;

**“Dog”** means a domestic dog;

**“Dwelling Unit”** means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities;

**“Farm Dog”** means a dog which is actively herding farm animals on agricultural property, such as cattle or sheep;

**“Harbour or Harboured”** shall include keeping or possessing for any period of time, whether temporary or not;

**“Hen”** means a female chicken;

**“Hunting Dog”** means a dog licensed by the Ministry of Natural Resources for the purpose of hunting moose, deer or raccoons;

**“Kennel”** means a place where four (4) or more dogs are boarded, housed, trained, exercised, bred, sold, cared for, kept or harboured and shall include a commercial kennel as defined in the Township’s Zoning By-law but shall not include:

- (a) a veterinary clinic;
- (c) a pound or an animal shelter operated by or on behalf of the Township for impounding animals;
- (d) a pet store;
- (e) a facility in which animals are placed for care pursuant to the Pounds Act, R.S.O. 1990, c. P.17, as amended;
- (f) a facility registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended;
- (g) any premise licensed under any Statute of the Legislature of Ontario of the Government of Canada which permits the keeping of dogs under certain conditions.

**“Keep”** or **“Kept”** shall include harbouring or possessing for any period of time, whether temporary or not;

**“Leash”** means a leash, chain, rope, cord, chain or other similar device, which is used, designed and capable of being held by a person and is used and designed to restrain a dog;

**“Leash Free Park”** means a park owned by the Township where a dog is permitted to be off a leash;

**“Licence”** means a licence issued by the Township pursuant to this By-law;

**“Licensee”** means a person issued a kennel licence pursuant to this By-law;

**“Microchip”** means a device, designed to an approved Canadian standard, implanted in an animal, containing a unique code that permits or facilitates access to information such as the name and contact information of the animal’s owner;

**“Noise”** means a sound that at the point of reception is likely to disturb the inhabitants;

**“Officer”** means an animal control officer, a pound keeper and its employees, the Ontario SPCA Officers, police officer, municipal law enforcement officer, the Medical Health Officer or other person appointed by by-law to enforce the provisions of this By-law;

**“Owner”** shall mean any person who keeps or harbours a dog, cat or animal and where the owner is a minor, the person responsible for the custody of the minor;

**“Person”** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

**“Police Work Dog”** means a dog trained for and engaged in law enforcement by any Federal, Provincial or municipal government or government agency;

**“Pound”** means any premise or facility or part thereof used by the Township for the temporary housing or boarding of animals that have been impounded pursuant to this By-law;

**“Pound Keeper”** means any person retained by the Township to provide a pound;

**“Property”** means a parcel of land which is capable of being legally conveyed;

**“Property Line”** means any boundary of a property or its vertical projection;

**“Registration or Registered”** means a record of ownership and of the keeping of an animal pursuant to this By-law;

**“Service Dog”** means a dog trained to assist a visually impaired person or a person with a physical or mental disability or a medical condition;

**“Rooster”** means a male chicken;

**“Tag”** means a tag issued by the Township;

**“Township”** means the Corporation of the Township of Centre Wellington or the land within the geographic limits of the Corporation of the Township of Centre Wellington as the context requires;

**“Veterinary Clinic”** means a building, land or vehicle or any combination of them used or intended to be used as a place in or from which to engage in the practice of veterinary but does not include a commercial kennel as defined in the Township’s Zoning By-law;

**“Zoning By-law”** means any by-law administered by the Township passed pursuant to Section 34 of the Planning Act or a successor thereof, as may be amended from time to time.

## **2. Application and General**

2.1 This by-law shall apply throughout the whole of the Township.

2.2 No person shall permit a dog to make a noise by barking, howling or whining.

2.3 No person shall keep or harbour or permit to be kept or harboured at any one time, more than three (3) dogs on a property or per dwelling unit.

2.4 Section 2.3 and 2.8 do not apply to the:

- (a) Pound;
- (b) Owner of a:
  - (i) a licensed kennel;
  - (ii) a veterinary clinic;
  - (iii) a pet store;
  - (iv) a pound or an animal shelter operated by or on behalf of the Township for impounding animals;
  - (v) a facility in which animals are placed for care pursuant to the Pounds Act, R.S.O. 1990, c. P.17, as amended;
  - (vi) a facility registered as a research facility in accordance with the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended;
  - (vii) an Agricultural property that is actively being used for agricultural purposes.

2.5 No person shall own or keep a dog over the age of twelve (12) weeks without a current valid dog licence.

2.6 An owner of a dog shall keep the tag issued by the Township securely fixed on the dog for which it was issued at all times.

2.7 No person shall:

- (a) affix a tag to any dog other than the dog for which it was issued;
- (b) remove a tag except to replace it with a current or valid tag; or
- (c) remove a tag except while the dog is being lawfully used for hunting in the bush.

2.8 No person shall keep or harbour or permit to be kept or harboured more than three (3) cats on a property or per dwelling unit.

2.9 No person shall own or operate a kennel without a current valid licence.

2.10 No person shall own or operate a kennel other than in accordance with the terms, conditions and standards of a licence and this By-law.

2.11 No person shall keep or cause to be kept an animal identified as prohibited in Schedule A to this By-law.

2.12 No person shall own, keep or harbour a prohibited grandparented animal unless it is registered in accordance with section 10.

2.13 No person shall own, keep or harbour a prohibited grandparented animal other than in accordance with the terms and conditions imposed by the Clerk and this By-law.

2.14 No person shall alter or modify or permit the alteration or modification of a licence.

- 2.15 No person shall use, or attempt to use a licence issued to another person.
- 2.16 Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this By-law or the Township is guilty of an offence.
- 2.17 No person who is issued a kennel licence pursuant to this By-law shall contravene any provision set out in this by-law, any other municipal by-law, federal or provincial Act, Statute, or any other legislation applicable to a kennel licence.
- 2.18 No person shall dispose of or bury an animal on Township property or Township land.
- 2.19 No person shall create a situation where an animal is likely to be in distress, as determined by an Officer because of:
- (a) confinement by that person; or
  - (b) the number of animals being kept by that person.

### **3. Licences and Registration**

- 3.1 The Clerk is hereby delegated authority to issue licences and register animals in accordance with the provisions of this By-law.
- 3.2 The Clerk is hereby delegated authority to impose additional terms and conditions to a kennel licence and on an owner of a prohibited grandparented animal that in the opinion of the Clerk are reasonable and taking into consideration:
- (a) health, safety and welfare of animal;
  - (b) health, safety and well-being of persons;
  - (c) health, safety and welfare of other animal;
  - (b) the impact on a neighbouring property or neighbouring property owner.
- 3.3 A licence or registration automatically expires and becomes null and void upon the sale, death or other disposal of an animal to which such licence and registration applies.
- 3.4 A licence issued by the Township is non-refundable.
- 3.5 A licence issued pursuant to this By-law is valid for the current calendar year in which it is issued.
- 3.6 A licensee shall notify the Township within fifteen (15) days of any changes to the:
- (a) business name;
  - (b) location of the business premises;
  - (c) ownership of the business

and such changes shall be subject to submission of the necessary documentation to the Township.

- 3.7 A licensee shall display a licence in a conspicuous place on the licensed property visible to the public at all times.
- 3.8 A licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 3.9 Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

### **4. Dogs – Application for a Licence**

- 4.1 Every calendar year, an owner of a dog that is over the age of twelve (12) weeks shall obtain a dog licence from the Township prior to 30<sup>th</sup> day of April, unless the dog came into the owner's possession or care after that date.
- 4.2 Every owner of a dog that has a dog over the age of twelve (12) weeks that comes into his or her possession after the 30<sup>th</sup> day of April shall immediately obtain a licence for the dog.

- 4.3 An owner of a dog making an application for a dog licence shall submit:
- (a) a complete application in the form provided by the Township;
  - (b) when required by the Township, a certificate signed by a practicing veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twelve (12) months preceding the date of application for a licence;
  - (c) the required licence fee.

## **5. Dog – Licence**

- 5.1 A dog licence in the form of a dog tag shall be issued where the Clerk is satisfied that the requirements of this By-law have been met.
- 5.2 An owner of a dog may obtain a replacement dog tag upon payment of the prescribed fee.

## **6. Dogs – Leashes and at Large**

- 6.1 No owner of a dog shall permit a dog to be at large in the Township except in a Leash Free Park.
- 6.2 A dog is deemed to be running at large if found in any place other than the property of the owner of the dog and the dog is not on a leash and under the control of a person capable of handling the dog when it is on property other than that of the owner, unless prior consent is given by the person owning the property on which the dog is found.
- 6.3 Sections 6.1 and 6.2 of this By-law shall not apply to a:
- (a) police work dog, or a service dog while actively engaged in the performance of its trained duties;
  - (b) hunting dog while hunting pursuant to provincial regulations;
  - (c) farm dog that is under the control of its owner.

## **7. Impoundment**

- 7.1 An officer may seize and impound an animal found running at large and may apprehend an animal.
- 7.2 Where an animal is seized and is injured or should be euthanized without delay for humane reasons or for reasons of safety to persons or animals, an officer may euthanize the animal, or have the animal euthanized in a humane manner as soon after seizure as the officer thinks fit without permitting any person to reclaim the animal.
- 7.3 Where the owner of an animal is known, the Pound Keeper shall make reasonable efforts to notify the owner that the animal has been impounded.
- 7.4 Where an animal is seized and impounded, the Pound Keeper shall return it to the owner provided that:
- (a) the owner claims possession of the animal within three (3) days (excluding Sundays and holidays) after the date of seizure; and
  - (b) the animal can be lawfully returned; and
  - (c) upon payment of any applicable licensing and registration fees; and
  - (d) upon payment of the impound and boarding fees.
- 7.5 The owner of an animal impounded, if known, whether or not the animal is claimed by the owner from the pound, shall be liable for the payment of the pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand by the Township's Pound Keeper.
- 7.6 Where at the end of three (3) days excluding Sundays and holidays an animal has not been returned to the owner, the pound keeper may dispose of the animal in accordance with the

provisions of the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended.

- 7.7 All monies received for the sale or adoption of unclaimed animals shall become the property of the Township or the pound keeper as agreed to by the Township. However, in the event where the Township has entered into a contract, the terms of the contract shall prevail.

## **8. Prohibited Animals**

- 8.1 The keeping or harbouring of an animal identified in Schedule A to this By-law is hereby prohibited.
- 8.2 Notwithstanding Section 8.1 an animal identified as prohibited in Schedule A to this By-law may be kept or harboured:
- (a) at a special event approved by the Township;
  - (b) at an institution accredited by the Canadian Association of Zoological Parks and Aquariums;
  - (c) at a premise licensed or exempt under the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended;
  - (d) by a person licensed, exempt or otherwise expressly permitted by provincial or federal legislation.
- 8.3 Notwithstanding section 8.1, no person shall keep an animal that is prohibited by or under any federal or provincial legislation.

## **9. Prohibited Grandparented Animals**

- 9.1 Any person who harbours or keeps a prohibited animal shall remove the prohibited animal, or make application and provide to the Clerk proof that the prohibited animal was lawfully owned prior to the prohibition within 90 days of the passing of this By-law.
- 9.2 The Clerk upon considering those animals that were prohibited by By-laws 3099-93, 1923/96 and this By-law, and being satisfied that the prohibited animal was lawfully owned prior to the prohibition may deem the prohibited animal to be grandparented.
- 9.3 The Clerk, upon deeming a prohibited animal to be grandparented shall enter information pertaining to the prohibited animal and its owner into a registry of prohibited grandparented animals.
- 9.4 The Clerk may impose additional terms or conditions on the keeping or harbouring of any prohibited grandparented animal (e.g. housing).
- 9.5 Any person who moves a prohibited grandparented animal to a location other than the one on file with the Township, shall notify the Clerk of the new location within the Township within forty-eight (48) hours after the prohibited grandparented animal is moved.
- 9.6 A prohibited grandparented animal may be kept until it dies or has otherwise been disposed of.
- 9.7 A person who has a prohibited grandparented animal that dies or is otherwise disposed of shall notify the Clerk within forty-eight (48) hours of its death.

## **10. Restricted - Animals**

- 10.1 No person shall keep more than a combined total of four (4) pigeons or ten (10) hens on a property except on agricultural property.
- 10.2 No person shall own, keep or harbour a hen on a property without the coop being registered except on agricultural property.
- 10.3 No person shall own, keep or harbour a hen on a property except on agricultural property other than in accordance with the terms, conditions and standards of this By-law.
- 10.4 No person shall have more than one hen coop on a property except on agricultural property.
- 10.5 No person shall keep, or cause to be kept, a horse, donkey, pony, mule, turkey, quail, llama, alpaca, cow or steer, goat, sheep, duck, goose, or rooster on a property except on agricultural

property.

## **11. Hens – Registration**

11.1 The owner of a coop making an application to register the coop shall submit:

- (a) a complete application in the form provided by the Township;
- (b) the required registration fee.

11.2 The registration of a coop is subject to the completion of an inspection of the hen coop by the Township to its satisfaction.

11.3 An administrative suspension without a hearing shall be imposed should a registered coop receive three or more offenses until the coop is in compliance with this By-law.

## **12. Hen Coops – Terms, Conditions and Standards**

12.1 A hen coop shall:

- (a) be located at least 3 metres (9.8 feet) from the side or rear lot line;
- (b) be located in the rear yard;
- (c) be a maximum size of 10 m<sup>2</sup> (108 ft<sup>2</sup>);
- (d) be a maximum height of 2 metres (6.6 feet);
- (e) be a maximum floor area of 10 m<sup>2</sup> (108 ft<sup>2</sup>);
- (f) provide a minimum floor area of .19 m<sup>2</sup> (2ft<sup>2</sup>) for each hen;
- (g) provide a minimum roofed outdoor enclosure area of .92 m<sup>2</sup> (10 ft<sup>2</sup>) for each coop;
- (h) provide a perch that is at least 20 cm (8 inches) long for each hen;
- (i) be constructed:
  - (i) to fully enclose a hen to prevent it from escaping;
  - (ii) to prevent other animals from entering the hen coop;
  - (iii) with lockable roofs and doors;
- (j) in the case of a floor be made of material resistant to moisture and mould, and lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning;
- (k) have proper ventilation, be weather-proofed and insulated with an air temperature suitable for the hens;
- (l) provide a nest box and an accessible dust bath area.

12.2 Every person who owns, keeps or harbours a hen on a property except agricultural property shall:

- (a) maintain the hen coop in a clean condition and free from the accumulation of feces, offensive odours, insect or rodent infestations;
- (b) not sell eggs from the property;
- (c) lock the roof and doors of the hen coop at night;
- (d) keep the hens enclosed in the hen coop at all times in the rear yard of the property; unless under owner supervision;
- (e) remove feces and dispose of the feces as compost or via appropriate waste receptacle;
- (f) keep the hen coop at a healthy temperature for the hens at all times;

- (g) not slaughter or butcher a hen on the property;
- (h) dispose of a dead hen in accordance with any applicable law and immediately:
  - (i) at a livestock disposal facility;
  - (ii) through veterinarian services;
  - (iii) through a facility approved by the applicable provincial Ministry.

### **13. Kennel – Application for a Licence**

13.1 Every calendar year, an owner of a kennel shall obtain a kennel licence from the Township prior to 30<sup>th</sup> day of May of each calendar year, unless the kennel came into the owner's possession after that date.

13.2 Where a kennel comes into the possession of an owner after the 29<sup>th</sup> day of May he shall immediately obtain a kennel licence.

13.3 A Person making an application for a kennel licence shall:

- (a) submit a complete application in the form provided by the Township;
- (b) submit an accurate plan of the property showing:
  - (i) the location of buildings, structures, septic system, tile bed and well in relation to property lines;
  - (ii) the location of dog runs, waste containment, acoustical barriers, training areas and any other facilities to be used for kennel purposes in relation to property lines;
  - (iii) the distance between buildings and their existing uses situated on adjacent properties.
- (c) submit in the case of a boarding kennel, proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability for the term of the kennel licence with an endorsement that notice in writing at least thirty (30) days prior to cancellation, expiration, or variation thereof will be given to the Township by the insurance underwriter;
- (d) submit when applicable the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry;
- (e) submit any other documents or studies as may be required by the Township to the satisfaction of the Township;
- (f) submit the required kennel licence fee.

13.4 In addition to the above, a Person making an application for a kennel licence with over 20 dogs shall:

- (a) submit a site control plan based on a legal survey prepared by a licensed professional engineer or Ontario Land Surveyor, showing:
  - (i) the location of buildings, structures, septic system, tile bed and well in relation to property lines;
  - (ii) the location of dog runs, waste containment, acoustical barriers, training areas and any other facilities to be used for kennel purposes in relation to property lines;
  - (iii) the distance between buildings and their existing uses situated on adjacent properties;
  - (iv) the location of an adequate parking area.
- (b) submit to the satisfaction of the Township a noise evaluation study prepared by a qualified acoustical consultant.

13.5 In addition to the above, the Clerk may require a Person making an application for a kennel licence to provide a noise evaluation study prepared by a qualified acoustical consultant at any time as a result of noise complaints received by the Township.



#### **14. Kennel – Licence**

14.1 A kennel licence shall be issued by the Clerk:

- (a) upon the requirements of this By-law being met;
- (b) upon the requirements of the Township's zoning by-law being met;
- (c) subject to the completion of an inspection by the Township to its satisfaction.

#### **15. Kennel – Terms, Conditions and Standards**

15.1 A kennel licence is subject to the terms, conditions and standards set out in this By-law.

15.2 Every dog shall be inoculated with a valid anti-rabies vaccine and certificate.

15.3 The owner of a kennel shall reside on the property on which the kennel is located.

15.4 Every owner shall ensure that the kennel building complies with the following requirements:

- (a) comply with the requirements of the Township's Zoning By-law;
- (b) comply with the requirements of the Building Code Act;
- (c) not be attached to a dwelling unit or any other building used for human habitation with the exception of a kennel with a valid licence and existing on the date of the passing of this By-law;
- (d) have adequately sized cages to allow the dog to extend its legs to their full extent, stand or sit, turn around, or lie down in a fully extended position;
- (e) not have cages that are constructed solely of metal, wire, or impermeable concrete block;
- (f) in the case of a floor or wall:
  - i) be made of concrete or other impermeable material including rigid plastic;
  - ii) not be made of wire;
- (g) have a self-drain;
- (h) have adequate natural and artificial lights, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed.

15.5 Every owner shall ensure that a structure and defined use areas including an outdoor run, pen, exercise yard on the property of a kennel complies with the following requirements:

- (a) comply with the requirements of the Township's Zoning By-law;
- (b) comply with the requirements of the Building Code Act;
- (c) have adequate natural and artificial lights, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed;
- (d) be enclosed by a fence with a minimum height of 1.52 metres (5 feet) and a maximum height of 2.5 metres (8.2 feet).

15.6 Every person who owns or operates a kennel shall:

- (a) thoroughly clean and disinfect the floors of a kennel building on a daily basis;
- (b) maintain the kennel building and defined use areas including an outdoor run, pen and exercise yard in a sanitary, well-ventilated, clean condition and free from the accumulation of feces, offensive odours, insect or rodent infestations;
- (c) keep all dogs in a clean and healthy condition free from vermin and disease;

- (d) provide every dog with adequate food and potable water at all times;
- (e) provide every dog with sanitary, well ventilated, naturally lighted quarters kept at a healthy temperature at all times;
- (f) immediately drain a floor when water is present;
- (g) adhere to the guidelines set out in "A Code of Practice for Canadian Kennel Operations – Third edition | 2018", as amended;
- (h) provide every dog with 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;
- (i) necessary veterinary medical care when any dog exhibits signs of pain, illness or suffering;

15.7 Every person who owns or operates a breeding kennel shall:

- (a) maintain a whelping bitch dog in a separate accommodation from the other dogs in the kennel;
- (b) the separate accommodation for a whelping bitch dog shall be 2.5 times the size of the whelping bitch dog;
- (c) provide a separate outdoor run for the whelping bitch dog to prevent the transfer of diseases;
- (d) provide a whelping box for the whelping bitch dog that is constructed with four sides with a floor made of impermeable material;
- (e) not permit noise from barking during the following prohibited times:
  - (i) 22:00 one day to 07:00 the next day;
  - (ii) no continuous noise from barking in excess of 2 hours from 07:00 to 22:00;
- (f) undertake measures to ensure that residences on an adjacent property is not subjected to noise made by dogs kept or harboured on the property.

15.8 In addition to any other requirements in this By-law, a dog may be housed outdoors provided the following regulations are adhered to:

- (a) the breed of dog must be properly acclimatized to seasonal and regional temperatures;
- (b) an aged, young, or infirm dog shall not be housed outdoors;
- (c) shelter and protection from cold and heat must be provided including protection from direct sunlight, rain, sleet and snow;
- (d) an enclosed area with dry bedding must be provided.

15.9 In addition to any other requirements in this By-law, group housing of dogs in a kennel is suitable provided that the following regulations are adhered to:

- (a) any dog exhibiting vicious behavior or dominance aggression is housed separately;
- (b) a dog under treatment for communicable disease or suspected of harbouring a communicable disease is separately housed;
- (c) newly acquired dogs are isolated before full integration into group housing.

15.10 In addition to Section 3.2, the Clerk, may impose the following terms and conditions on a kennel licence:

- (a) approval from the Township 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) notwithstanding Section 15(7)(e) a further restriction on the time of when noise from barking from the kennel is restricted;

- (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 a dog from seeing a motorist or a person travelling along any roads/walkways/trails, etc;
- (f) additional evaluations by a qualified acoustical consultant after the kennel has been operating;
- (g) satisfactory arrangements for the implementation and installation of noise abatement measures, including the entering into of an agreement and the posting of securities to ensure the completion of any required noise abatement measures;
- (h) in the case of a new kennel, an increased distance separation from any adjacent habitable building, excluding a building of the owner of the property on which the kennel is located.

15.11 Every person who owns or operates a kennel shall maintain records of the following information:

- (a) the names and addresses of the dog owners cared for at the kennel;
- (b) the date of arrival and departure from the kennel;
- (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;
- (e) written dog care procedures dealing with, amongst other matters, methods of handling dogs, sickness, emergency situations, injury or death and contact information for a veterinarian.

## **16. Kennel Licences – Administrative Suspensions**

16.1 Where the Licensee's policy of liability insurance expires, is cancelled, or is otherwise terminated, then the applicable licence shall be automatically suspended effective on the date of such expiration, cancellation, or termination and shall remain so until such insurance has been reinstated.

16.2 An administrative suspension of a licence without a hearing shall be imposed for:

- (a) Fourteen (14) days if the Clerk is satisfied that the continuation of the business poses an immediate danger to health and safety of any person or to any property or in accordance with Section 16.7. Before any suspension is imposed, the Township shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

16.3 An administrative suspension imposed under section 16.2 may be imposed on such conditions as the Clerk considers appropriate.

## **17. Licences – Grounds for Refusal, Revocation or Suspension**

17.1 An applicant or licensee is entitled to a kennel licence upon meeting the requirements of this By-law except where:

- (a) the past or present conduct of any person, including the officers, directors, employees or agents of a corporation affords reasonable cause to believe that the person will not carry on or engage in the business in respect of which the application is made in accordance with the law or with honesty or integrity; or
- (b) the applicant or licensee has past breaches of any law and any outstanding fines imposed by a court of the contravention of any provision of this By-law or any other municipal by-law or Provincial Statute associated with the carrying on of such business; or

- (c) the issuing of a kennel licence would be contrary to the public interest with respect to health and safety, consumer protection, or nuisance control; or
  - (d) the applicant or licensee has submitted an application or other documents to the Township containing false statements, incorrect, incomplete, or misleading information; or
  - (e) the applicant or licensee is carrying on or engaging in activities that are, or will be, if the applicant or licensee is licensed, in contravention of this By-law, or any other applicable law; or
  - (f) the applicant or licensee has not paid the required kennel licence fee.
- 17.2 The Clerk may revoke, suspend, refuse to issue, or refuse to renew a kennel licence, where the applicant or licensee would not be entitled to a kennel licence, or to the renewal of a kennel licence, on any grounds set out in this By-law.
- 17.3 Where the application for a kennel licence has been revoked, suspended or cancelled, the fees paid by the applicant or licensee, in the respect of the application for a kennel licence, shall not be refunded.
- 17.4 Where a kennel licence has been revoked, suspended, or cancelled the licensee shall return the kennel licence to the Clerk within two (2) days of service of the notice of the decision.
- 17.5 When a revoked, suspended or cancelled kennel licence has not been returned, an Officer may enter upon the property excluding entry into a dwelling unit for the purpose of receiving, taking or removing the said kennel licence.

**18. Licences – Grounds for Refusal, Revocation or Suspension – Terms and Conditions – Right to a Hearing**

- 18.1 With the exception of Section 16, before a kennel licence is refused, revoked, suspended, cancelled or issued with terms or conditions, written notice shall be given to the applicant or licensee.
- 18.2 Notice shall be served to the applicant's or licensee's last known address filed with the Township and shall:
- (a) contain sufficient information to specify the nature of, or reason for, any recommendation;
  - (b) inform the applicant or licensee of entitlement to a hearing before the Committee, if a request in writing for a hearing is returned to the Clerk within fifteen (15) days after the date of service of the notice; and
  - (c) inform the applicant or licensee that if no written request is received, the Committee may proceed and make any decision with respect to the licence.
- 18.3 On receipt of a written request for a hearing from an applicant or licensee, the Clerk shall:
- (a) schedule a hearing; and
  - (b) give the applicant or licensee notice of the hearing at least twenty (20) days prior to the hearing date.
- 18.4 Service of any notice on the applicant or licensee under this by-law shall be made by personal delivery or by ordinary mail. The notice shall be deemed to have been served on the seventh (7<sup>th</sup>) day after the day of mailing or on the date of personal service.

**19. Establishment of a Hearing Committee**

- 19.1 The Committee is delegated authority by Council to hear and render decisions regarding the refusal, revocation or suspension of a kennel licence, and the imposing of terms and conditions on a kennel licence.
- 19.2 The decision of the Committee shall be final and binding.

## **20. Hearing Process**

- 20.1 The provisions of the *Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22*, as amended, shall apply to all hearings conducted under this By-law.
- 20.2 A hearing shall be held in public, and the Committee shall hear the applicant or licensee and every other person who desires to be heard, and the Committee may adjourn the hearing or reserve its decision.
- 20.3 No decision of the Committee is valid unless it is concurred in by the majority of the members of the Committee that heard the matter, and the decision of the Committee, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.
- 20.4 Any authority or permission granted by the Committee may be for such time and subject to such terms and conditions as the Committee considers advisable and as are set out in the decision.
- 20.5 When a person who has been given written notice of a hearing does not attend at the appointed time and place, the Committee may proceed with the hearing in his absence, and the person shall not be entitled to any further notice of the proceedings.
- 20.6 The Clerk shall no later than ten (10) days from the making of the decision send one (1) copy of the decision to:
- (a) the applicant or licensee;
  - (b) each person who appeared in person or by Counsel or by Agent at the hearing and who filed with the Clerk a written request for notice of the decision.

## **21. Fees**

- 21.1. The fees for any licence, registration, or replacement tag issued pursuant to this By-law shall be as prescribed in the Township's Fees and Charges By-law and is payable upon submission of an application.

## **22. Enforcement and Penalty Provisions**

- 22.1 The enforcement of this By-law shall be conducted by an Officer.
- 22.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 22.3 Every person who contravenes any provision of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by a corporation is guilty of an offence and upon conviction is liable to:
- (a) on a first offence, to a fine not more than \$50,000.00; and
  - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 22.4 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 22.5 Every person shall comply with any Order or Notice issued under the authority of this by-law.
- 22.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 22.7 Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of his or her duties.
- 22.8 Upon conviction any penalty imposed under this By-law may be collected under the

authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

**23. Severability**

23.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Township that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

**24. Singular and Plural Use**

24.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

**25. Repeal**

25.1 That By-law 3099-93, 1923/96, 2005-007 and all amendments thereto are hereby repealed.

**Read a first, second and third time and finally passed** this 16<sup>th</sup> day of December 2019.



\_\_\_\_\_  
Mayor – Kelly Linton



\_\_\_\_\_  
Clerk – Kerri O'Kane

**Township of Centre Wellington**

**Schedule "A"**

By-law 2019-70

The following **animals** are prohibited:

<b>Prohibited</b>	<b>Examples</b>	<b>Exception</b>
All Marsupialia (Marsupials)	Kangaroos and Opossums	sugar glider and short tailed opossums
All Non-human Primates	Gorillas and Monkeys	
All Felidae and hybrids		cats
All Canidae and hybrids		dogs
All Viverridae (Viverrids)	Mongoose, Civets and Genets	
All Mustelids	Skunks, Weasels, Otters, Badgers	domestic ferrets
All Ursids	Bears	
All Artiodactylus Ungulates		domestic goats, sheep, pigs, llamas, alpacas and cattle, American Bison in agricultural zones pot-bellied pigs in all zones
All Procyonidae	Racoons, Coatis and Cocomistles	
All Hyaenas		
All Lerissodactylus Ungulates		domestic horse, pony, mule and donkey in agricultural zones
All Elephantidae	Elephants	
All Pinnipedia	Seals, Fur Seals and Walruses	
All Snakes of the Families Pythonidae and Boidae greater than 2 metres in length.		
All Venomous Reptiles		
All Venomous Insects (including Arachnids).		
All animal that in capacity produce venom) even de venomized if medically significant to the average human, that will require medical treatment		
All Struthioniformes	Ratite Birds, Rheas, Cassowaries, Kiwi	emus in agricultural zones
All Raptors	Eagles, Hawks and Owls	Except those owned by falconers licensed by the Ontario Ministry of Natural Resources.
All Edentates	Anteaters, Sloths and Armadillos	
All Tubulidentata	Aardvarks	
All Bats		
All Crocodylia	Alligators and Crocodiles	
All Poultry		Hens which have been registered Roosters and all other poultry in agricultural zones