

The Corporation of the Township of Minden Hills

By-Law No. 09-28

**Being a By-law for the Licencing and
Regulating of Dogs and Kennels,
and for the Control of Dogs
within the Municipality.**

WHEREAS, Sections 8, 9 and 11, of the Municipal Act, 2001 S.O. 2001, c.25, as amended, permit Councils of local municipalities to pass by-laws for regulating or prohibiting the keeping of animals within the municipality or any defined area thereof, for regulating boarding establishments, for licencing dogs, and for prohibiting dogs running at large;

AND WHEREAS, Part XII of the Municipal Act, 2001 S.O. 2001, c.25, as amended, empowers municipalities to pass by-laws imposing fees or charges on any class of person for services or activities provided or done by or done on behalf of the municipality;

AND WHEREAS, it is the desire of the Council of The Corporation of the Township of Minden Hills to licence, regulate and control dogs, kennel operations and boarding establishments within the Township of Minden Hills, to recover through charges and fees for the service provided;

NOW THEREFORE, the Council of The Corporation of the Township of Minden Hills enacts as follows:

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PART 1 **DEFINITIONS**

1.1 **Corporation**

Shall mean The Corporation of the Township of Minden Hills.

1.2 **Dog**

Means a male or female dog over the age of 6 months, but does not include a dog trained in the assistance of disabled persons, or a police dog.

1.3 Hunting

Shall mean the act of an individual or individuals who are armed with legal weapons in pursuit of game for food or sport.

1.4 Kennel

Shall mean an establishment for the keeping of purebred dogs which has been registered or is eligible for registration with an association incorporated under the Animal Pedigree Act (Canada) and may also include recognized breeds that are not registered with the Canadian Kennel Association. The member shall remain in good standing with the association for the purpose of breeding or sale of dogs.

Kennel shall also mean the keeping of dogs for the purpose of hunting or competition or the boarding of dogs for profit or gain.

1.5 Owner

Of a dog includes a person who possesses or harbours a dog, and where the owner is a minor, the person responsible for the custody of the minor.

1.6 Provincial Offences Officer

Includes any person who is employed or who has entered into a contract with the Corporation and who has been appointed by by-law by Council to control dogs or any Municipal Law Enforcement Officer engaged to enforce by-laws of the Corporation.

1.7 Run/Running At Large

A dog found at any place, other than the premises or property of the owner of such dog, not under the apparent control of any person.

PART 2 LICENCES FOR DOGS NOT LICENCED UNDER KENNELS

Licences

2.1 All dogs within the geographic limits of the Corporation shall be registered and licensed by their owners whose permanent municipal address is within the Township, except owners whose permanent address is outside of the Township and who have legally registered and licenced their dogs in another Municipality for the current year.

Time to Obtain Licence

2.2 Owners shall have all dogs registered, numbered, described and licenced by the Clerk or other person designated for that purpose and pay the appropriate fee immediately upon becoming an owner.

Tag to be Displayed

- 2.3 On payment of the licence fee for the dog, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced; provided, however, that the tag may be removed while the dog is being lawfully used for hunting in the bush.

Replacement Tags

- 2.4 A tag shall bear a serial number, the year in which it was issued, and the name of the Townships. A record shall be kept by the Clerk or other person designated for that purpose, showing the name and address of the owner and the serial number of the tag. In the event a dog tag is lost, the owner shall, upon satisfying the Clerk, or person appointed, of such loss, be entitled to receive a replacement tag upon payment of the fee prescribed.

PART 3 LICENCES FOR KENNELS

Time to Obtain Licence

- 3.1 The owner of every kennel shall obtain a kennel licence immediately upon proceeding the kennel operation in each year from the Clerk or other person designated for that purpose.

No Licence for Individual Dogs Required

- 3.2 Notwithstanding the provisions of Section 2.1, the owner of a kennel shall pay an annual kennel licence fee and such owner is not liable to pay any further licence fee for individual dogs housed in the kennel.

Registration of Dogs in Kennels

- 3.3 All dogs six (6) months of age and older, housed within the kennel must be registered with the Municipality.

Licence Application

- 3.4 Before any licence for a kennel is issued by the Clerk, the owner must make application for the licence or the renewal of licence, pay the prescribed fee and have the kennel inspected by the Provincial Offences Officer. The kennel use must comply with the requirements of the Zoning By-law.

Application

- 3.5 The kennel application and kennel renewal application is attached as Schedule "B". Schedule "B" must be completed on the initial licencing of new kennels and upon the initial renewal of kennels legally licenced at the time of passing of this by-law.

Inspection Re Issuing of Licence

- 3.6 The kennel must be inspected by a Provincial Offences Officer, appointed by Council, upon the initial application

and every three (3) years thereafter to ensure compliance to the by-law.

Inspection Upon Complaints

3.7 Upon any complaint from a person that the kennel does not comply with the requirements of this by-law, an inspection shall be carried out and if the kennel is found to be in non-compliance with Section 4 of this by-law, a re-inspection fee will be charged in accordance with Schedule "A".

Authority to Inspect

3.8 A Provincial Offences Officer may enter onto private property where a kennel is located after a complaint is received for the purposes of inspecting to ensure that the provisions of the by-law have not been violated.

Suspension/Revocation for Continuing Breach

3.9 If there is a continuing breach of the provisions of the by-law by the kennel owner, or where the owner fails to comply with an order made upon her/him by the Provincial Offences Officer, or an officer for any Society for the Prevention of Cruelty to Animals, the licence may be suspended or revoked.

Hearing Re Suspended/Revoked Licence

3.10 A hearing in respect of a proposed suspension or revocation of the licence shall be held before Council at a meeting legally constituted and upon notice of thirty (30) days to the kennel owner.

PART 4 KENNEL STANDARDS

Non-Compliance with Standards an Offence

4.1 Every person who owns or operates a kennel shall comply to the requirements of the Townships' Zoning By-Law that was in effect at the time the initial licence was issued and to the regulations outlined in Part 4 of this by-law. Any kennel operator who fails to comply is guilty of an offence under this by-law.

Buffering and Fences Required

4.2 The kennel shall be comprised of a kennel building and shall:

1. Have a security fence of adequate height but not less than one (1) metre in height to prevent any dog from escaping.
2. Be buffered by trees or fencing to fully obstruct the visibility of neighbouring properties from seeing the kennel and to provide sound control.

PART 5 DOGS RUNNING AT LARGE

Prohibition on Dogs at Large

- 5.1 No person shall allow a dog to run at large. For the purpose of this section where a dog is found to be running at large, where such dog is being used in a legal hunting excursion and is affixed with a license and an electronic tracking collar such dog shall be deemed not to be running at large.

PART 6 RESERVED

PART 7 NUMBER OF DOGS

Maximum Dogs per Property

- 7.1 No person shall keep more than nine (9) dogs on a property within the Rural (RU) Zone as identified in the applicable zoning by-law. On properties in all other zones identified in the applicable zoning by-law, no person shall keep more than three (3) dogs on a single property.

Exception for Licensed Kennels

- 7.2 Section 7.1 does not apply to any property where a Kennel Licence has been issued under the provisions of the by-law.

PART 8 GENERAL PROVISIONS

Expiry of Licences

- 8.1 Every licence issued pursuant to this by-law shall expire on the last business day of December in the year in which it was issued.

Prohibition on Promoting Aggressive Behaviour

- 8.2 No person may own any dog or dogs for the purpose of fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging that dog to engage in unprovoked attacks upon human beings or domestic animals, nor may any person participate in, promote, or allow property the person owns to be used for dog fighting.

PART 9 FEES AND CHARGES

Schedule of Fees

- 9.1 The fee for licences for dogs and dog kennels, for inspection and re-inspection charges shall be in accordance with Schedule "A" attached hereto.

PART 10 ENFORCEMENT


Offences


- 10.1 Every person who contravenes or fails to comply with any provisions of this by-law is guilty of an offence and shall be liable upon conviction to a fine as provided in Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P. 33, as amended.

PART 11 ENACTMENT

- 11.1 Schedule A and B attached hereto shall be and form part of this by-law.
- 11.2 By-law No. 01-05, of The Corporation of the Township of Minden Hills is hereby repealed in its entirety.
- 11.3 All sections of this by-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the remaining sections.
- 11.4 This by-law shall come into force and take effect on the date of passing.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 26th day of March 2009.


Jim McMahon,
Reeve


Cheryl McCarroll, Clerk

Schedule "A"
To By-Law No. 09-28

- | | | | |
|----|---------------------------------------------------------------|----------------------------------------------|-----------|
| 1. | Licence Fees Required | Before March 31 st , of each year | |
| | After March 31 st , of each year | | |
| | a) For each dog – male | \$ 10.00 | \$ 15.00 |
| | b) For each dog – female | \$ 10.00 | \$ 15.00 |
| | c) For each Replacement Tag | \$ 2.00 | |
| 2. | Kennel Fee Required For
Initial Licence | \$ 50.00 | \$ 100.00 |
| 3. | Kennel Fee without Inspection
(Every 3 rd year) | \$ 50.00 | \$ 100.00 |
| 4. | Kennel Fee without Inspection
(Year 1 & 2) | \$ 50.00 | \$ 100.00 |
| 5. | Inspection Fee if Non-
Compliance is Found | \$ 100.00 for each inspection | |

Schedule "B"
To By-Law No. 09-28

APPLICATION FOR KENNEL LICENCE

Licence Number: _____ Fee Paid: Yes () No ()

Type of Kennel: Breeding (); Boarding (); Hunting () or
Competition ()

Name of Kennel:

Applicant:

(Registered Owner of Property – Full Name)

Mailing Address:

Telephone Number: (Home) _____ (Business)

Note: If more than one registered owner of the property with a different address or telephone number, attach separate sheet. If the owner is a corporation, please provide name, address, and telephone numbers of the President and Secretary-Treasurer.

Kennel to be operated by () same as register owner, or

(Full Name)

(Address)

Telephone Number: (Home) _____ (Business)

Legal Description of Property on which Kennel is to be operated:

Professional Affiliations of Owner (or Operator):

Canadian Kennel Club Yes () No ()

Other (Please Specify) _____

Note: Applicant must attach hereto a diagram showing:

- The true shape and dimensions of the property (drawn to a minimum scale of 1:50
- The location, height and dimensions of the kennel structure;
- The location and dimensions of all runs used in connection with the kennel;
- The location and height of all fencing and the location of any planted material to screen the kennel.

DIAGRAM: - Diagram to be attached to this application.

Calendar Year for which Licence is Requested: _____

STATEMENT OF FACT

I/We _____ hereby make application for the following licence. As part of this application, I/we make the following statement of fact:

- 1) The information set forth in this application is true and accurate.
- 2) I/We have never been refused a licence or had a licence revoked except as follows:
- 3) I/We agree to comply with all by-laws of the Township of Minden Hills, it being expressly understood that receipt of a licence does not relieve the owner and/or applicant from complying with all of the said by-laws or Provincial Statutes. I/We further agree that if the licence is revoked for any cause or non-conformance of the said by-laws or Provincial Statutes that in consideration of the issuing of the licence all claims are waived arising therefrom against the Township of Minden Hills.
- 4) I/We understand that making a false Statement of Fact may result in the application for a licence being refused.

This Statement of Fact was made before me on the _____ day of _____, _____

Witness: _____ Applicant: _____
Name (Other than the Applicant)

Applicant Address: _____

THE TOWNSHIP OF MINDEN HILLS

PART 1 PROVINCIAL OFFENCES ACT

BY-LAW No. 09-28: Licensing and Regulation of Dogs and Kennels and for the Control of Dogs within the Municipality.

ITEM NO.	SHORT FORM WORDING	OFFENCE CREATING PROVISION	SET FINE
1	Failed to Register and License Dog(s)	2.1	\$50.00
2	Failed to obtain Kennel Licence	3.1	\$100.00
3	Dog(s) Running at Large	5.1	\$100.00

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