

## THE CORPORATION OF THE TOWNSHIP OF BROCK

### BY-LAW NUMBER 2445-2012-PP AS AMENDED BY BY-LAW NUMBERS 2498-2023-PP AND 3190-2023 (CONSOLIDATED VERSION)

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

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**WHEREAS** section 11(3) of the *Municipal Act, 2001*, S.O. 2001, as amended (“Municipal Act”), authorizes the Township to pass by-laws respecting animals;

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

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

**AND WHEREAS** section 11(2) of the *Municipal Act* confers the power upon municipalities to enact by-laws to provide for the health and well-being of persons and for the protection of persons and property;

**AND WHEREAS** section 391 of the *Municipal Act* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

**NOW THEREFORE** the Council of the Corporation of the Township of Brock enacts as follows:

#### I. Definitions

1. For the purposes of this by-law, the term:

- (1) “Animal” means any member of the animal kingdom, other than a human.
- (2) “Animal Shelter” shall mean the Township of Brock Dench Animal Shelter
- (3) “Applicant” shall mean any person that has a License under this By-Law, any person that applies to the Township for a License or renewal of a License under this By-Law and any person whose License under this By-Law is being considered for revocation or suspension.
- (4) “Boarding Kennel” means a building, premises or place in which more than three dogs or cats are maintained or cared for, for remuneration or otherwise to a maximum number based on the square footage of the building.
- (5) “Breeding Kennel” means a building, premises or place in which more than three purebred dogs, cats, sled dogs or working dogs are bred, maintained or cared for, for remuneration or otherwise to a maximum number based on the square footage of the building. In addition, a maximum of two (2) litters of pups per bitch and kittens per queen, up to sixteen (16) weeks of age may be permitted in any licensing year.
- (6) “By-law Officer” means a person appointed by the Council as a Municipal Law Enforcement Officer or a sworn officer of the Durham Regional Police Service.
- (7) “Cat” means a male or female cat over the age of eight (8) weeks.
- (8) “Chief Administrative Officer and Municipal Clerk” means the Chief Administrative Officer and Municipal Clerk of the Township of Brock or his/her designate.
- (9) “Council” means the Council of the Corporation of the Township of Brock.
- (10) “Dog” means a male or female dog over the age of twelve (12) weeks but does not include a guide dog.
- (11) “Dwelling House” means a building or part of a building occupied as the home, residence or living quarters for one or more families and shall include the land surrounding or appurtenant to the dwelling house.

- (12) "License" means a license issued pursuant to this by-law.
- (13) "Property Owner" shall mean the registered legal owner of the land on which the Breeding or Boarding Kennel is located or proposed Kennel may be located.
- (14) "Purebred Cat" means a feline registered or eligible for registration in the register of any club or association incorporated under the Canadian Cat Association.
- (15) "Purebred Dog" means a dog registered or eligible for registration in the register of any club or association incorporated under the *Animal Pedigree Act* (Canada), S.C. 1985, chapter 8.
- (16) "Township" means the Corporation of the Township of Brock.
- (17) "Veterinarian" means a person registered to practice veterinary science under the *Veterinarians Act*, R.S.O. 1990, c. V.3.
- (18) "Working Dog" means a dog for sporting or hunting where such dog is registered with a bona fide sporting, hunting or working dog club.
- (19) "Livestock Guardian Dog" (LGD) means a dog that works with domestic farm animals for protection from predators and is used exclusively for that purpose.
- (20) "Herding Dog" means a dog that has been trained and is actively being used in a bona fide farming operation for the purpose of controlling livestock.

## **II. Prohibition**

- 2. (1) No person shall own, operate, manage, control or supervise any breeding kennel or boarding kennel unless:
  - (a) A valid licence has been issued to that person, pursuant to section 3 hereof, for the operation of a kennel;
  - (b) the kennel is owned and operated in accordance with the provisions of this by-law including, but not limited to, the conditions set out in section 4 hereof.
- (2) No person shall breed, or permit to be bred purebred or non-purebred dogs and cats in the Township except in accordance with this By-law.

## **III. Licensing**

- 3. (1) Every owner of a kennel shall, before the 1st day of March in each year, or within six (6) days, excluding Saturdays, Sundays, and statutory holidays, of becoming the owner of such kennel on or after the 1<sup>st</sup> day of March in any year, licence such kennel with the Township.
- (2) Before licensing any such kennel, the Township shall require the applicant to complete the application form as set out in Schedule "A", pay the required annual fee in accordance with the "Fees By-law", as amended from time to time, and produce evidence satisfactory that the kennel is being or shall be operated, as the case may be, within the standards and conditions as set out within section 4 hereof.
- (3) Every license issued pursuant to this section shall expire on the 31st day of December in the year in respect of which it was issued.
- (4) A license issued to an applicant shall not be transferable.
- (5) No kennel shall be located:
  - (a) on any lot unless the building or structure used in connection with the kennel is zoned within the Rural (RU) and Rural Buffer (RB) Zone categories of the comprehensive Zoning By-law provided that the lot upon which the kennel is located shall be a minimum of four (4) hectares;

- (b) within four hundred and fifty (450) metres of any residence, other than the residence of the owner of such kennel;
  - (c) within fifteen hundred (1,500) metres of any area zoned for Residential, Commercial, Industrial purposes as well as the Recreation (RE), Open Space (OS), Community Facility (CF), and Development (D) Zone categories of the comprehensive Zoning By-Law.
- (6) The provisions of sections (5) (a)(b) and (c) shall not apply to any breeding kennel for which a licence was granted and in effect as of the date of enactment of this by-law provided that the property owner existing as of the date of enactment of this by-law continues to be granted a licence for the operation of a kennel.
- (7) All applications for a kennel licence shall include:
- (a) a site location drawing drawn to scale showing the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for kennel purposes, and shall also specify the distance separating the kennel from all property lines as well as all buildings and their existing use situate on the adjacent properties.
  - (b) In the case of a breeding kennel, proof of valid membership in the Canadian Kennel Club or any other association incorporated under the Animal Pedigree Act (Canada) or in the case of cats, proof of valid membership in the Canadian Cat Association and its feline purebred registry.
  - (c) In the case of a breeding kennel for sled dogs, proof of valid membership in the Ontario Federation of Sled Sports and active participation and registration in dog sled or similar races within the calendar year prior and impending year for which a licence is requested.
  - (d) In the case of a breeding kennel for working dogs/hunting dogs, proof of valid Membership in the Canadian Kennel Club for registered hunting/working dogs and/or proof of valid membership in an association for the purpose of working/hunting dogs, or a hunting dog license for each dog issued by the Ministry of Natural Resources.
  - (e) In the case of a boarding kennel, proof of insurance by way of certificate of insurance showing a minimum limit of two million (2,000,000) dollars in commercial general liability;
  - (f) The original results of a criminal information request which shall determine whether the applicant has been convicted of any federal, provincial or municipal law pertaining to animal cruelty.
- (8) Every owner or operator of a kennel shall reside in a dwelling house on the same lot upon which the kennel is to be located and shall:
- (a) provide the Township with the name of the owner and operation of the kennel and the owner and all occupants of the lot upon which it is located;
  - (b) open the kennel for inspection by a By-law officer at all reasonable times.
- (9) The Council may issue, issue with conditions, refuse, or temporarily suspend or revoke a kennel licence at any time during its duration in accordance with the provisions of section 5.

#### **IV. Kennel Standards**

4. (1) Boarding and Breeding Kennels shall comply at all times with the following standards:
- (a) Animals shall be housed in an individual enclosure, with the exception, in the case of a boarding kennel, where the owner expresses a specific desire for their animals to be housed together and it would not be deemed inhumane to do so.

- (b) Animals shall be housed in enclosures that are large enough to permit movement freely and shall permit a confined animal to stand normally to its full height, turn around easily, lie down in a fully extended position, enable species-appropriate contact, provide nursing bitches (dogs) or queens (cats) an additional ten (10) percent space per nursing puppy or kitten, as well as provide for the social and behavioural needs of the animal.
- (c) Animals which may be housed outside shall have access to an insulated shelter which is raised a minimum of 0.3 metres above grade, located against the prevailing winds, and have access to potable water.
- (d) Kennel walls shall be non-porous and watertight, floors shall be of a smooth concrete finish or similar material and both shall be of material that is easily cleaned and sanitized.
- (e) Suitable bedding shall be provided for the animal.
- (f) Roof coverings shall be laid to prevent the entrance of rodents and vermin into the kennel and shall be constructed of a suitable material to eliminate leakage and exposure to adverse weather conditions.
- (g) Ceilings and walls shall abut closely to prevent crevices that may contribute to rodent infestation and temperature loss and shall be constructed in a manner that is easily cleaned and sanitized.
- (h) Adequate air ventilation and circulation shall be required to prevent respiratory disease and to avoid the spread of contaminants, viruses, bacteria and mould.
- (i) Every interior space available to animals shall have a floor drain appropriately graded to provide for proper drainage.
- (j) Every interior space and area that the animals may use shall be maintained at a minimum temperature of at least ten (10) degrees Celsius to a maximum temperature of twenty-seven (27) degrees Celsius, depending on the species, age and condition of the animal.
- (k) Outside exercise facilities shall be provided and such facilities shall be fenced and maintained in a manner to keep animals securely enclosed and constructed of materials that will not cause injury, are large enough for the animal to run, surfaced with strata that does not allow slipping, and which can be easily cleaned, sanitary, and kept free of debris.
- (l) Each animal shall be provided the opportunity to exercise in an area inside or outside a minimum of one half hour twice daily;
- (m) Every kennel shall be maintained in a clean and sanitary condition at all times which shall include the removal of excrement, refuse and debris a minimum of twice daily, or as often as required. The litter box for cats shall be cleaned a minimum of twice daily with litter refreshed where required and a minimum of one litter box per adult cat shall be required.
- (n) Animals shall be provided access to fresh drinking water at all times.
- (o) Animals shall be fed adequate and contaminant-free food in an amount capable of maintaining full health.
- (p) Food shall be stored in such manner to prevent vermin and be properly labeled.
- (q) Food dishes, utensils and preparation apparatus shall be cleaned regularly and stored in a clean and vermin proof area.
- (r) In the case of a breeding kennel, whelping areas shall be separated from other areas of the kennel.
- (s) Kennels shall be monitored, supervised, and managed to ensure the safety of animals, staff or the public.

- (t) In the case of a boarding kennel, records shall be maintained for each animal and such records shall include the name, tattoo or microchip number, the owner's name, address, and contact information, daily health record, behavioural issues or incidents, and health and vaccination records. Such records shall be kept for a minimum of 12 months after the animal has left the kennel.
- (u) In the case of breeding kennels, records shall be maintained for each animal and such records shall include the name, tattoo or microchip number, breed, sex, date of birth, the sire and dam, colour and markings, health and vaccination records, and purebred registration numbers. Such records shall be kept for a minimum of 12 months after the animal has left the kennel.
- (v) All kennels shall maintain written policies on animal care and kennel operation that shall include procedures for illness, injury, death, transportation, and emergency phone numbers which shall be posted and accessible to kennel owners and staff at all times.
- (w) All kennels shall, before any animal is taken into any kennel, inspect such animal for contagious or infectious disease. Should any kennel have an outbreak of any such disease, the kennel may be closed at any time by the By-Law Officer or any other person appointed by the Township or authorized by Provincial statute for such purpose.

## **V. Revocation and Suspension**

5. (1) The Council may:
  - (a) issue, refuse, or issue a kennel licence with conditions to an applicant; or,
  - (b) temporarily suspend or revoke a kennel licence at any time during its duration in accordance with the provision of section 5.
- (2) The exercise of a power under subsection (1) is at the discretion of Council and, without limiting such discretion, the Council may exercise its powers under the subsection (1)(a) or (1)(b) if the conduct of the applicant or kennel licensee affords reasonable grounds for belief that the applicant or licensee will not comply with the provisions of the by-law or with honesty or integrity.
- (3) The Council may, at any time, on its own initiative, review any action taken by it under subsection (1) and may confirm or vary such action.
- (4) Where an owner has been served with a written notice pursuant to this section, he or she may appeal the decision in writing within fourteen (14) days.
  - (a) The fees payable for a licensing appeal shall be payable at the time of filing a notice of appeal and shall be in accordance with the "Fees By-law" as amended from time to time.
- (5) Upon receipt of an appeal, the matter shall be referred to Council.
- (6) The Chief Administrative Officer and Municipal Clerk shall notify the applicant in writing of the meeting of Council upon which the appeal will be heard. Where an applicant fails to attend such meeting, Council may proceed with the hearing of the appeal in their absence.
- (7) The Chief Administrative Officer and Municipal Clerk shall notify the owner of Council's decision in writing within 14 days of the decision being made.
- (8) Should a kennel license be revoked under this section, the former kennel licensee is entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.
- (9) The Council may notify any other licensing authority or other person as it considers appropriate of any action it takes under this section.

## **VI. Administration**

6. (1) Every person who contravenes any of the provisions of this By-law, or who obstructs

or attempts to obstruct a By-law Officer or an employee or agent of the Township in carrying out his or her duties under the by-law is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

- (2) Schedule "A" attached hereto forms part of this by-law.
- (3) If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of the section shall not be construed as having persuaded or having influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- (4) This By-law shall be referred to as the "Kennel By-Law"
- (5) This by-law shall come into force and effect on the date of passing.

BY-LAW 2446-2012-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 3<sup>rd</sup> day of December, 2012.

Thomas G. Gettinby  
Clerk

W. Terry Clayton  
Mayor

BY-LAW 2497-2013-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 4<sup>th</sup> day of November, 2013.

Thomas G. Gettinby  
Clerk

W. Terry Clayton  
Mayor

BY-LAW 3190-2023 READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 23<sup>rd</sup> day of May 2023.

Fernando Lamanna  
Clerk/Deputy CAO

Walter Schummer  
Mayor

Schedule "A"

To By-law Number 2445-2012-PP



The Corporation of the Township of Brock  
In the Regional Municipality of Durham

1 Cameron St. E., P.O. Box 10, Cannington, Ontario, L0E 1H0 (705) 432-2355

**Kennel Licence Application**

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**Application to the Corporation of the Township of Brock for the operation of a Kennel in accordance with By-law Number 2445-2012-PP, as amended.**

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Name of Applicant: \_\_\_\_\_

Registered Kennel Name: \_\_\_\_\_

CKC and/or Bonafide Club Registered Name or Number: \_\_\_\_\_

Is this a new application: Yes \_\_\_\_\_ No \_\_\_\_\_ Years Of Operation: \_\_\_\_\_

Address: \_\_\_\_\_

Concession: \_\_\_\_\_ Lot: \_\_\_\_\_ Property Emergency Number: \_\_\_\_\_

Telephone (Residence): \_\_\_\_\_ (Business): \_\_\_\_\_

Attach a list of all registration or serial numbers of dogs kept in the Kennel and Breed of Dogs.

Dare and place of last vaccinations: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Office Use Only:

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Date: \_\_\_\_\_

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