

**THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE**

**BY-LAW 2024 - 078**

**BEING A BY-LAW TO REGULATE, CONTROL AND LICENCE THE  
KEEPING OF DOGS AND KENNELS IN THE  
TOWNSHIP OF SOUTHGATE**

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

**AND WHEREAS** section 11 (2), paragraph 6 of *the Act*, authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

**AND WHEREAS** section 11 of *the Act* authorizes a municipality to pass a by-law to regulate animals;

**AND WHEREAS** section 11 (2) paragraph 8 and section 11 (3) of *the Act* authorizes a municipality to pass by-laws respecting animals and the protection of persons and property;

**AND WHEREAS** section 23.1 of *the Act* authorizes a municipality to delegate certain legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

**AND WHEREAS** section 103 (1) of *the Act* provides that a municipality may pass by-laws regarding the regulation or prohibition of an animal being at large or trespassing;

**AND WHEREAS** section 103 (1) of *the Act* provides for the municipality to impound any animals at large or trespassing in contravention of the by-law and provides for the sale of those impounded animals;

**AND WHEREAS** section 105 (1) of *the Act* provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the

owner in whole or in part from the requirement;

**AND WHEREAS** section 105 (2) of *the Act* provides that an exemption may be granted subject to such conditions as the council considers appropriate;

**AND WHEREAS** section 151 of *the Act*, provides that a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) licence, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it;

**AND WHEREAS** section 391 (1) of *the Act* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** section 425 (1) of *the Act* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of a municipality passed under *the Act* is guilty of an offence;

**AND WHEREAS** section 429 (1) of *the Act* provides that a municipality may establish a system of fines for a by-law passed under *the Act*;

**AND WHEREAS** section 436 of *the Act* provides that a municipality has power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

**AND WHEREAS** section 431 of *the Act* authorizes that where any by-law of a municipality under *the Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed

by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention;

**AND WHEREAS** sections 444 and 445 of *the Act* authorizes a municipality to make orders to discontinue, or to correct, the contravention of a by-law;

**AND WHEREAS** the Council of the Corporation of the Township of Southgate deems it desirable to regulate the harbouring of dogs, establish regulations that support humane treatment of dogs, and to licence kennels in the Township of Southgate;

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

## **1. DEFINITIONS**

1.1 In this By-law:

**"Appeal Tribunal"** means a Committee appointed by **Township Council** to conduct hearings under this By-law;

**"Applicant"** means a **person** who files an application for a **licence** and includes a **licensee** as the context requires;

**"At Large"** means where a **dog** is found in a 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 the **property** other than that of the **owner**, unless prior consent is by the **person** owning the **property** on which the **dog** is found;

**"Bite"** or **"Biting"** means the breaking, puncturing or bruising of the skin of a **person** or domestic animal, caused by a tooth or teeth of a **dog**;

**"Building"** means a building as defined in the *Building Code Act, 1992, S.O. 1992, c. 23, as amended*, or a structure or any part thereof used or intended to be used for supporting or sheltering any use or occupancy;

“**Chief Building Official**” means the Chief Building Official for the **Township** or any **person** designated by the Chief Building Official;

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

“**Dog**” means a canine of the species *Canis Familiaris*;

“**Dwelling Unit**” means a room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment and having self-contained culinary and sanitary features;

“**Fees and Charges By-law**” means **Township** By-law 2023-109, as amended, or any successor by-law adopted by Council for the purpose of establishing fees and charges;

“**Guide Dog**” means a **dog** trained as a guide dog for a blind person and having the qualifications and completed training as prescribed by Regulation 58 of the *Blind Persons’ Right Act, R.S.O. 1990, c. B.7*, as amended;

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

“**Hunting dog**” means a **dog** licensed by the Ministry of Natural Resources for the purpose of hunting;

“**Impound**” or “**Impounded**” or “**impounding**” means the keeping of a **dog** at a designated **pound** and also means the confinement of a **dog** by an **Officer**;

“**Kennel**” means lands, **buildings**, or structures where **dogs** and are bred and raised or are sold or kept for sale, trained or boarded;

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

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

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

law and includes a **tag**;

“**Livestock**” means sheep, pigs, goats, cattle, horses, mules, ponies, donkeys or poultry;

“**Livestock guardian dog**” means a **dog** that works and lives with domestic farm animals, including but not limited to **livestock** for the purposes of protection from predation;

“**Menace**” means a threat or hazard that may cause injury or harm;

“**Microchip**” means an encoded electronic device implanted in a **dog**, which contains a unique code that provides the name and address of the **owner** of the **dog**;

“**Muzzle**” means a humane fastening or covering device of adequate strength over the mouth of a **dog** to prevent it from **biting**;

“**Noise**” means a sound that at the **point of reception** by its volume or nature is likely to disturb the inhabitants;

“**Officer**” means a police officer, municipal law enforcement officer, animal control officer or any other **person** appointed by by-law to enforce the provisions of this By-law;

“**Owner**” shall mean any **person** who **harbours a dog**, and where the owner is a minor, the **person** responsible for the custody of the minor, and includes a **person** who is temporarily the custodian of the **dog**;

“**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;

“**Point of Reception**” means any point on the **property** of a **person** where **noise** originating from other than that **property** is received;

“**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 **dogs** 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 or any part thereof;

“**Service dog**” means a **dog** that can be readily identified as one that is being used by a **person** for reasons relating to a **person’s** disability, as a result of visual indicators such as the vest or harness worn by the **dog** or demonstrated by documentation from a regulated health professional as prescribed by Regulation 191/11 of the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended, confirming that the **person** requires the **dog** for reasons relating to the disability;

“**Statutory Holidays**” means,

- (a) New Year’s Day,
- (b) Family Day,
- (c) Good Friday,
- (d) Victoria Day,
- (e) Canada Day,
- (f) Labour Day,
- (g) Thanksgiving Day,
- (h) Remembrance Day,
- (i) Christmas Day,
- (j) Easter Sunday, and
- (k) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of the *Retail Business Holidays Act, R.S.O. 1990, c. R. 30*, as amended;

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

“**Tethered**” means a rope, chain or similar restraining device that is attached at one end to a fixed object and, for greater certainty, does not include a **leash** or restraining device that is held by a **person**;

“**Township**” means the Corporation of the Township of Southgate or

the land within the geographic limits of the Corporation of the Township of Southgate as the context requires;

“**Veterinary Clinic**” means a **building** used by a veterinary surgeon for the treatment and care of animals, birds, or other livestock;

“**Working Dog**” means a **livestock guardian dog** or a **police work dog**;

“**Zoning By-law**” means any by-law administered by the **Township** passed pursuant to Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended.

## **2. APPLICATION AND GENERAL PROHIBITIONS**

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

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

2.3 No **person** shall **harbour** or permit to be **harboured** at any one time, more than three (3) **dogs** on a **property** or per **dwelling unit** inclusive of a **hunting dog, working dog, service dog** or **guide dog**.

2.4 Section 2.3 does not apply to the owner or operator of a:

- (a) a licensed **kennel**;
- (b) a **veterinary clinic**;
- (c) a pet store;
- (d) a **pound** or an **animal** shelter operated by or on behalf of the **Township** for **impounding dogs**;
- (e) a facility in which **dogs** 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.

2.5 No **person** shall own or **harbour** a **dog** over the age of sixteen

(16) weeks without a current valid **dog licence**.

2.6 No **person** shall:

(a) affix a **tag** to any **dog** other than the **dog** for which it was issued; or

(b) remove a **tag** except to replace it with a current valid **tag**; or

(c) remove a **tag** except while the **dog** is hunting in accordance with provincial regulations; or

(d) remove a **tag** while the **dog** is off the **property** of the **owner**.

2.7 No **person** shall own or operate a **kennel** or permit the operation of a **kennel** without a current valid **licence**.

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

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

2.10 No **person** shall use or attempt to use a **licence** issued to another **person**.

2.11 Every **person** who 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.

2.12 No **person** shall fail to comply with a Muzzle and Control Order.

2.13 No **person** shall fail to comply with an Order.

2.14 No **person** shall permit a **dog** to **bite** or attack a **person** or domestic animal.

2.15 No **person** shall permit a **dog** to behave in a manner that poses a **menace** to the safety of a **person** or domestic animal.

2.16 No **person** shall fail to exercise reasonable precautions to prevent



a **dog** from,

- (a) **biting** or attacking a **person** or domestic animal, or
- (b) behaving in a manner that poses a **menace** to the safety of a **person** or domestic animal.

2.17 No **person** shall fail to immediately remove, or cause to be immediately removed, and placed in a proper refuse receptacle, any excrement left by a **dog** on any **property** within the **Township**, other than the **dog owner's property**.

2.18 No **person** shall fail to in a timely manner remove, or cause in a timely manner to be removed, any excrement left by a **dog** on the **dog owner's property**.

2.19 No **person** shall fail to display a **kennel licence** in accordance with the provisions of this By-law.

### **3. DELEGATED AUTHORITY**

3.1 The **Chief Building Official** is hereby delegated authority to:

- (a) administer this By-law and prepare all notices, forms, orders and any other document necessary for the administration of this by-law including the keeping of records;
- (b) issue a **licence** in accordance with the provisions of this By-law and where the **applicant** meets all the requirements of this By-law;
- (c) impose additional terms and conditions that in the opinion of the **Chief Building Official** are reasonable, revoke or refuse to grant a **licence**, taking into consideration the grounds provided for in section 15 of this By-law.

3.2 Where a title to a position identified in this By-law no longer exists or is modified, the powers and duties may be exercised by a **person** deemed to have the responsibilities of the original position until such time as an amending by-law is adopted by Council.

3.3 Council is of the opinion that the powers delegated in this by-law are of a minor nature.

#### **4. LICENCES**

- 4.1 A **person** making application for a **licence** shall be at least eighteen (18) years of age.
- 4.2 A **licence** automatically expires and becomes null and void upon the sale, death or other disposal of a **dog** to which such **licence** applies.
- 4.3 A **licence** issued by the **Township** is non-refundable.
- 4.4 A **licence** is not transferable.
- 4.5 A **licensee** shall notify the **Township** within fifteen (15) days of any changes to the:
- (a) business name;
  - (b) location of the business;
  - (c) ownership of the business

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

- 4.6 A **licensee** shall display a **kennel licence** in a conspicuous place on the licensed **property** visible to the public at all times.
- 4.7 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).
- 4.8 Any record required by this By-law shall be produced by the **licensee** upon request of an **Officer**.

#### **5. DOGS – APPLICATION FOR A LICENCE**

- 5.1 An **owner** of a **dog** that is over the age of sixteen (16) weeks shall obtain a **dog licence** from the **Township** annually immediately upon the **dog** coming into their possession.
- 5.2 A **dog licence** issued pursuant to this By-law is valid for one (1) year from the date it was issued.

- 5.3 An **owner** of a **licensed dog** shall renew its **dog licence** on or before the date of expiry.
- 5.4 Where a **dog licence** is renewed before, on or after the expiry date, the renewal **dog licence** shall expire one (1) year from the expiry date of the previous **dog licence**.
- 5.5 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) the required **dog licence** fee; and
  - (c) when required by the **Chief Building Official**, 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 **dog licence**.

## **6. DOG – LICENCE - TAG**

- 6.1 A **dog licence** in the form of a **tag** shall be issued where the **Chief Building Official** is satisfied that the requirements of this By-law have been met.
- 6.2 An **owner** of a **dog** may obtain a replacement **tag** upon payment of the required fee.
- 6.3 An **owner** of a **dog** shall keep the **tag** securely fixed on the **dog**.

## **7. DOGS – LEASHES AND AT LARGE**

- 7.1 No **owner** of a **dog** shall allow or permit a **dog** to be **at large** in the **Township**.
- 7.2 A **dog** shall be deemed to be **at large** if it is not under the physical control of a **person** by means of a **leash** with a maximum length of 1.8 metres (six (6) feet).
- 7.3 Section 7.1 of this By-law shall not apply to a:

- (a) **working dog, guide dog** or a **service dog** while actively engaged in the performance of its trained duties;
- (b) **hunting dog** while hunting pursuant to provincial regulations.

7.4 No **owner** of a **dog** shall leave or permit a **dog** to be left unattended while **tethered** on **property** to which the public has access, whether the access is expressed or implied.

## **8. IMPOUNDMENT**

8.1 An **Officer** may seize and **impound** a **dog** found **at large**.

8.2 Where a **dog** is seized and is injured or should be euthanized without delay for humane reasons, an **Officer** may have the **dog** euthanized in a humane manner as soon after seizure as he thinks fit.

8.3 Where the **owner** of a **dog** is known, the **pound keeper** shall make reasonable efforts to notify the **owner** that the **dog** has been **impounded**.

8.4 Where a **dog** is seized and **impounded**, the **pound keeper** shall return it to the **owner** provided that:

- (a) the **owner** claims possession of the **dog** within three (3) days, excluding Saturdays, Sundays and **Statutory Holidays**, after the date of seizure; and
- (b) the **dog** can be lawfully returned; and
- (c) upon payment of any applicable licensing fees; and
- (d) upon payment of the **impound** fees; and
- (e) upon payment of any other applicable medical costs for care of the **dog**.

8.5 The **owner** of a **dog impounded**, if known, whether or not the **dog** is claimed by the **owner** from the **pound**, shall be liable for the payment of the **impound** fees, and any euthanasia and disposal fees applicable, and shall pay all fees on demand by the

## **Township's pound keeper.**

- 8.6 Where at the end of three (3) days excluding Saturdays, Sundays and **Statutory Holidays** a **dog** has not been returned to the **owner**, the **pound keeper** may dispose of the **dog** in accordance with the provisions of the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended.
- 8.7 All monies received for the sale or adoption of unclaimed **dogs** 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.

## **9. MUZZLE AND CONTROL ORDER**

- 9.1 An **Officer** may issue a Muzzle and Control Order where a **dog**:
- (a) **bites** or attacks a **person** or domestic animal; or
  - (b) behaves in a manner that poses a **menace** to the safety of a **person** or domestic animal.
- 9.2 A Muzzle and Control Order shall set out such measures that the **Owner** shall be required to take in respect of such **dog**, which may include, but not be limited to the following requirements:
- (a) the **owner** shall, when the **dog** is not securely inside the **owner's dwelling unit**, but is otherwise on the **owner's property**, at all times keep the **dog** securely restrained in one of the following manners so as to prevent the **dog** from escaping and to prevent the **dog** from **biting** or attacking any **person** or domestic animal entering onto the **owner's property**;
    - (i) the **dog** shall be located within a securely fenced rear or side yard where the fence is of sufficient dimension and design to prevent the **dog** from escaping from the yard, and any gate in such fenced yard shall be locked at all times when the **dog** is in the fenced yard, or
    - (ii) the **dog** shall be located in a rear or side yard within a fully enclosed pen (six (6) sided) or run of sufficient

dimension, design and strength to be humane and to prevent the **dog** from digging its way out of or otherwise escaping from the enclosed pen, or

- (iii) the **dog** shall be muzzled so as to prevent it from **biting** a **person** or domestic animal and securely restrained within a rear or side yard by means of a **leash** to prevent the **dog** from escaping the yard while under the direct supervision of a **person** sixteen (16) years of age or older and physically able to exercise proper control of the **dog** and who is present in the yard at the time; and
  - (iv) the **dog** shall not be kept in the front yard of the **owner's property**.
- (b) At any time when the **dog** is in any place, other than the **property** of the **owner**, the following shall be required:
- (i) the **owner** shall securely attach a **muzzle** to the **dog** at all times when the **dog** is in any place other than the **owner's property**; and
  - (ii) the **owner** shall ensure the **dog** is kept under the physical control of a **person** sixteen (16) years of age or older and physically able to exercise proper control of the **dog**, by means of a non-retractable **leash** with a maximum length of 1.8 metres (six (6) feet) held by said **person** at all times when the **dog** is in any place other than the **owner's property**.
- (c) The **owner** shall have completed and provided proof to the **Officer** within thirty (30) days of issuance of the Muzzle and Control Order:
- (i) a **microchip** implanted in the **dog**; and/or
  - (ii) have the **dog** sterilized.
- (d) The **owner** shall display in a conspicuous place at the entrance to the **owner's property**, a warning sign advising of **dog's** presence on the **owner's property** and the potential for danger to public safety to the satisfaction of the **Officer**.

- (e) The **owner** shall notify the **Officer** within two (2) days of any changes to the residency or ownership of the **dog**.
- (f) The **owner** shall notify the **Officer** within two (2) days of the death of the **dog**.
- (g) The **owner** shall immediately notify the **Officer** if the **dog**:
  - (i) is **at large, bites** or attacks a **person** or domestic animal,
  - (ii) behaves in a manner that poses a **menace** to the safety of a **person** or domestic animal.

9.3 Despite sections 9.2 (c) (i) and 9.2 (c) (ii) on appeal, both are to be done within thirty (30) days of the date of the **Appeal Tribunal's** decision, unless the **Appeal Tribunal** exempts the **owner** from this requirement.

9.4 A Muzzle and Control Order shall include the following information:

- (a) the **owner's** information; and
- (b) the subject **dog's** information; and
- (c) the reasons for which the Muzzle and Control Order was determined upon; and
- (d) inform the **owner** of entitlement to a hearing before the **Appeal Tribunal**, if a request in writing for a hearing is returned to the **Clerk** within fifteen (15) days after the date of service of the Muzzle and Control Order and the fee for filing an appeal of a Municipal Order; and
- (e) a statement advising that a request for a hearing does not act as a stay of the muzzling requirements, therefore the muzzling requirements are in force and effect until and unless the **Appeal Tribunal** grants an exemption to the muzzling requirements; and
- (f) inform the **owner** that if no written request for a hearing is received within the prescribed time, the decision of the **Officer** is confirmed.

- 9.5 A Muzzle and Control Order is in force and effect upon being served.
- 9.6 A request for a hearing of a Muzzle and Control Order does not stay any muzzling requirement.
- 9.7 A **dog** that has been deemed a Dangerous or Potentially Dangerous Dog under a repealed **Township** By-law, shall continue to be subject to the terms of any Muzzle and Control Order in effect at the time of passing this by-law.

## **10. KENNEL – APPLICATION FOR A LICENCE**

- 10.1 An owner or operator of a **kennel** shall obtain an annual **kennel licence** from the **Township**.
- 10.2 A **kennel licence** expires on December 31<sup>st</sup> of the year for which it was issued.
- 10.3 An owner or operator of a **kennel** shall renew a **kennel licence** prior to its expiry.
- 10.4 A **person** who becomes the owner or operator of a **kennel** shall immediately obtain a **kennel licence**.
- 10.5 A **person** making an application for a **kennel licence** shall:
- (a) submit a complete application in the form provided by the **Township** inclusive of the completion of an inspection by a licensed Veterinarian; and
  - (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; and
    - (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; and
    - (iii) the distance between **buildings**, structures and their existing uses; and



- (c) submit when applicable the Business Name Registration and/or Articles of Incorporation obtained from the applicable provincial or federal Ministry; and
- (d) submit any other documents or studies as may be required by the **Township** to the satisfaction of the **Township**; and
- (e) submit the required **kennel licence** fee.

## **11. KENNEL – LICENCE**

11.1A **kennel licence** shall be issued by the **Chief Building Official**:

- (a) upon the requirements of this By-law being met; and
- (b) upon the requirements of the **Township’s zoning by-law, Township’s Building By-law** and any other applicable by-law or any provincial or federal legislative requirements being met; and
- (c) subject to the completion of an inspection by the **Township** to its satisfaction.

11.2The **Chief Building Official** shall not issue a **kennel licence** for a **kennel** with over twenty-five (25) **dogs** unless approved by Council.

11.3Council may refuse, grant or grant with conditions a **kennel licence** for more than twenty-five (25) **dogs**.

## **12. LICENCE APPLICATION – INCOMPLETE**

12.1The **Chief Building Official** shall not issue a **licence** where the **applicant**:

- (a) submitted an application or other documents to the **Township** containing false statements, incorrect, incomplete, or misleading information; or
- (b) has not paid the required **licence** fees.

12.2An application shall be deemed incomplete where an **applicant**

fails to provide any other information or material as required by the **Chief Building Official** within the time specified by the **Chief Building Official**.

### **13. KENNEL – TERMS, CONDITIONS AND STANDARDS**

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

13.2A **person** who owns or operates a **kennel** shall reside on the **property** on which the **kennel** is located.

13.3A **person** who owns or operates a **kennel** shall ensure the **kennel building**:

- (a) complies with the requirements of the **Township’s zoning by-law**; and
- (b) complies with the requirements of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended and its regulations, and the **Township’s** Building By-law; and
- (c) is not attached to a **dwelling unit** or any other **building** used for human habitation; and
- (d) has adequately sized cages to allow the **dog** to turn around, lie down with their legs extended to their full extent, stand and sit with their heads held at a normal height; and
- (e) in the case of a floor:
  - (i) be made of concrete or other impermeable material;
  - (ii) have a self-drain; and
- (f) has adequate and appropriate light, ventilation and heat to maintain healthy conditions specific to the breed of **dog** being housed by mechanical or natural means.

13.4A **person** who owns or operates a **kennel** shall provide an outdoor area with adequate and appropriate space to enable the **dog** to move naturally and to exercise.

13.5A **person** who owns or operates a **kennel** shall ensure any

structure and defined use areas including an outdoor run, pen, exercise area on the **property** of a **kennel**:

- (a) complies with the requirements of the **Township's zoning by-law**; and
- (b) complies with the requirements of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, and its regulations; and
- (c) has adequate and appropriate light, ventilation and heat to maintain healthy conditions specific to the breed of **dog** being housed; and
- (d) is enclosed by a chain link fence.

13.6A **person** who owns or operates a **kennel** shall:

- (a) clean the **kennel building** and defined use areas including and outdoor run, pen and exercise area as frequently as necessary to prevent an accumulation of excrement, urine or other waste that would pose a risk to a **dog's** health, maintain a sanitary environment, minimize the presence of parasites and ensure the health of the **dog**, using cleaning products that do not pose a risk to a **dog**; and
- (b) maintain the **kennel building** and defined use areas including an outdoor run, pen and exercise area with adequate and appropriate ventilation, light and protection from the elements, including harmful temperatures; and
- (c) maintain the **kennel building** and defined use areas including an outdoor run, pen and exercise area in a good state of repair; and
- (d) provide every **dog** with adequate and appropriate food and water; and
- (e) provide every **dog** with adequate and appropriate protection from the elements, including harmful temperatures; and
- (f) adhere to the guidelines set out in "A Code of Practice for Canadian Kennel Operations – Third edition | 2018", as amended; and

- (g) adhere to the *Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13*, as amended, and its regulations; and
- (h) provide every **dog** with adequate and appropriate exercise; and
- (i) provide every **dog** with adequate and appropriate medical attention; and
- (j) provide every **dog** with care necessary for its general welfare; and
- (k) ensure every **dog** at the **kennel** has a valid **tag**; and
- (l) ensure every **dog** is inoculated with a valid anti-rabies vaccine certificate; and
- (m) comply with all **Township** by-laws, provincial and federal legislation applicable to owning and operating a **kennel**.

13.7A **person** who owns or operates a **kennel** for breeding shall:

- (a) maintain a whelping bitch **dog** in a separate accommodation from the other **dogs** in the **kennel**; and
- (b) ensure the separate accommodation for a whelping bitch **dog** is 2.5 times the size of the whelping bitch **dog**; and
- (c) provide a separate outdoor run for the whelping bitch **dog** to prevent the transfer of diseases; and
- (d) provide a whelping box for the whelping bitch **dog** that is constructed with four (4) sides with a floor made of impermeable material; and
- (e) provide sufficient designated space for the proper enrichment and socialization of puppies.

13.8A **person** who owns and operates a **kennel** and is group housing **dogs** shall ensure that:

- (a) **dogs** exhibiting aggression to other **dogs** are not placed with

incompatible **dogs**; and

- (b) a female **dog** that is in heat or coming into heat is not placed with a male **dog**; and
- (c) **dogs** suffering from a contagious disease, or are at high risk of developing a contagious disease are separately housed.

13.9A **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**; and
- (b) the date of arrival and departure of the **dog** from the **kennel**; and
- (c) breeding and identification records of all whelping bitches and stud **dogs** and the resulting litters; and
- (d) veterinarian records on individual **dogs** maintained in the **kennel**; and
- (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.

#### **14. LICENCE – ADMINISTRATIVE SUSPENSIONS**

14.1 An administrative suspension of a **licence** without a hearing shall be imposed for fourteen (14) days if the **Chief Building Official** is satisfied that the continuation of the business poses an immediate danger to health and safety of any **person**, domestic animal or to any **property**, or in accordance with Section 15. Before any suspension is imposed, the **Chief Building Official** shall provide the **licensee** with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.

14.2 An administrative suspension imposed under Section 14.1 may be imposed on such conditions as the **Chief Building Official** considers appropriate.

## **15. LICENCE – GROUNDS - ADDITIONAL TERMS AND CONDITIONS, REFUSAL, REVOCATION OR SUSPENSION**

15.1 An **applicant** is entitled to a **licence** upon meeting the requirements of this By-law except where:

- (a) the past or present conduct of any **person**, including any partner, 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 activity in respect of which the application is made in accordance with the law or with honesty or integrity; or
- (b) the **applicant** has past breaches or contraventions of any law or any provision of this By-law or any other municipal by-law or Provincial or Federal Statute associated with the carrying on of such business; or
- (c) the **applicant** has failed to pay a fine or penalty imposed by the **Township** or a Court for a conviction or a breach of this or any other municipal by-law; or
- (d) the **applicant** has failed to comply with any term, condition or direction of the **Officer** or has failed to permit any investigation or inspection by the **Officer**; or
- (e) the **applicant** has failed to comply with this By-law or the terms and conditions of a **licence**; or
- (f) the issuing of a **licence** would be contrary to the public interest with respect to health, safety, welfare and well-being of **persons, dogs**, and domestic animals, consumer protection or nuisance control including the impact on a neighbouring **property** or a neighbouring **property** owner; or
- (g) the **applicant** has submitted an application or other documents to the **Township** containing false statements, incorrect, incomplete, or misleading information; or
- (h) the **applicant** is carrying on or engaging in activities that are, or will be, if the **applicant** is licensed, in contravention of this By-law, or any other applicable law.

15.2 The **Chief Building Official** may revoke, suspend, refuse to issue, or refuse to renew a **licence**, where the **applicant** would not be entitled to a **licence**, or to the renewal of a **licence**, on any grounds set out in this By-law.

15.3 Where the application for a **licence** has been deemed incomplete, revoked, suspended or cancelled, the fees paid by the **applicant**, in respect of the application for a **licence**, shall not be refunded.

15.4 Where a **licence** has been revoked, suspended, or cancelled the **licensee** shall return the **licence** to the **Chief Building Official** within two (2) days of service of the notice of the decision.

15.5 When a revoked, suspended, or cancelled **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 **licence**.

## **16. LICENCE – NOTICE – RIGHT TO HEARING – ADDITIONAL TERMS AND CONDITIONS, REFUSAL, REVOCATION OR SUSPENSION**

16.1 With the exception of Section 14, before a **licence** is refused, revoked, suspended, cancelled, or issued with terms or conditions, written notice shall be given by the **Chief Building Official** to the **applicant**.

16.2 Notice shall be served on the **applicant** and shall:

- (a) contain sufficient information to specify the nature of, or reason for, any recommendation; and
- (b) inform the **applicant** of entitlement to a hearing before the **Appeal Tribunal**, 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** that if no written request for a hearing is received within the prescribed time, the decision of the **Chief Building Official** is confirmed.

## **17. ESTABLISHMENT OF APPEAL TRIBUNAL**

17.1 The **Appeal Tribunal** is delegated authority by Council to hear and render decisions regarding:

- (a) the refusal, revocation or suspension of a **licence**, and the imposing of terms and conditions on a **licence**; and
- (b) appeal of a Muzzle and Control Order.

17.2 The decision of the **Appeal Tribunal** shall be final and binding.

## **18. REQUEST FOR HEARING**

18.1 A **person** who has been issued a Muzzle and Control Order or an **applicant** for a **licence** may request a hearing before the **Appeal Tribunal** provided a request for a hearing is:

- (a) made in writing; and
- (b) submitted to the **Clerk** together with the appeal of a Municipal Order fee within fifteen (15) days after the date of service of the Muzzle and Control Order or the Notice to Revoke, Suspend, Refusal to Grant or Grant a **licence** subject to terms and conditions has been served.

18.2 On receipt of a written request for a hearing, the **Clerk** shall:

- (a) schedule a hearing within thirty (30) days of receipt of the written request for a hearing; and
- (b) issue a notice of hearing fourteen (14) days prior to the hearing date to the **person** who has been issued a Muzzle and Control Order or an **applicant**; and
- (c) post notice of the hearing on the **Township's** website fourteen (14) days prior to the hearing date.

## **19. SERVICE**

19.1 Service of a Muzzle and Control Order, an Order, or a Notice issued pursuant to this By-law shall be given by:



- (a) personal delivery; or
- (b) ordinary mail to the last known address; or
- (c) registered mail to the last known address; or
- (d) email transmission to the last email address filed with the **Township**.

19.2A Muzzle and Control Order, an Order, or a Notice issued pursuant to this by-law shall be deemed to have been served on the seventh (7<sup>th</sup>) day after the day of mailing by ordinary or registered mail or on the date of personal service or on the date of the email transmission.

19.3An **Officer** who is unable to effect service of a Muzzle and Control Order or an Order pursuant to this By-law shall place a placard containing the Muzzle and Control Order or the Order in a conspicuous place on the **property** and the placing of the placard shall be deemed to be sufficient service. The placing of the placard of the Muzzle and Control Order or the Order shall be deemed to be served on the date of placing the placard.

## **20. HEARING PROCESS**

20.1The provisions of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22*, as amended, shall apply to all hearings conducted under this By-law.

20.2A hearing shall be held in public, unless determined otherwise in accordance with the *Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22*, as amended, and the **Appeal Tribunal** shall hear the **applicant** and every other **person** who desires to be heard, and the **Appeal Tribunal** may give its decision orally or adjourn the hearing and reserve its decision, but in any case the decision shall be provided in writing.

20.3No decision of the **Appeal Tribunal** is valid unless it is concurred with by a majority of the members of the **Appeal Tribunal** that heard the matter, and the decision of the **Appeal Tribunal**, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur with the decision. The decision of the **Appeal Tribunal** shall be made within ten (10) days of conclusion of the hearing.

20.4 Any authority or permission granted by the **Appeal Tribunal** may be for such time and subject to such terms and conditions as the **Appeal Tribunal** 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 **Appeal Tribunal** may proceed with the hearing in their 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**; and
- (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. ORDERS AND REMEDIAL ACTION**

21.1 If an **Officer** has reasonable grounds to believe that a contravention of this By-law has occurred or the terms and conditions of a **licence** have not been complied with, the **Officer** may make an Order requiring the **person** or **owner**, to:

- (a) discontinue the contravening activity,
- (b) do or take any action to correct the contravention.

21.2 An Order under section 21.1 shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention; and
- (b) the location of the **property** on which the contravention occurred; and
- (c) either:
  - (i) in the case of an Order under section 21.1 (a), the date by which there must be compliance with the Order; or

- (ii) in the case of an Order under section 21.1 (b), the action to be done and the date by which the action must be done.

21.3 An Order made under this By-law shall be served to:

- (a) the **person** or **owner** the **Officer** believes contravened this By-law; and
- (b) such other **persons** or **owners** affected by the Order as the **Officer** making the Order determines.

### **23. ENFORCEMENT AND PENALTY PROVISIONS**

23.1 The enforcement of this By-law shall be conducted by an **Officer**.

23.2 An **Officer** may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:

- (a) the By-law is complied with; or
- (b) a **licence**, or the terms or conditions of a **licence** are complied with; or
- (c) a direction or Order of the **Township** made under the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, or made under this By-law is complied with.

23.3 For the purposes of an inspection under this By-law, an **Officer** may:

- (a) require the production for inspection of documents or things relevant to the inspection; and
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and
- (c) require information from any **person** concerning a matter related to the inspection; and

- (d) alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 23.4 All documents and records shall be kept in a good and business-like manner for review by the **Officer** at their request.
- 23.5 A receipt shall be provided for any document or thing removed under this By-law and the document or thing shall be promptly returned after the copies or extracts are made.
- 23.6 Every **person** who contravenes any provision of this By-law, including failing to comply with an Order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, and the *Municipal Act, 2001, S.O. 2001*, as amended.
- 23.7 Any **person** who is charged with an offence under this By-law or an Order issued pursuant to this By-law or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the *Municipal Act, 2001, S.O. 2001*, as amended, to the following:
- (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
- 23.9 Every **person** who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- 23.10 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.
- 23.11 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.

23.12 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.

23.13 If a **person** is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

## **24. FEES**

24.1. The fees for a **licence**, replacement **tag**, appeal of a Muzzle and Control Order (Municipal Order), and **impound fees** shall be as prescribed in the **Township's Fees and Charges By-law**.

24.2 The fees for a **licence**, replacement **tag**, appeal of a Muzzle and Control Order (Municipal Order) are payable upon submission of an application or appeal.

## **25. SEVERABILITY**

25.1 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.

## **26. SINGULAR AND PLURAL USE**

26.1 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.

**27. REPEAL**

27.1 That By-law 2020-78 is hereby repealed.

**READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED  
THIS 19<sup>th</sup> DAY OF JUNE 2024.**

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTHGATE**

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Brian Milne – Mayor

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Lindsey Green – Clerk