

# THE CORPORATION OF THE TOWNSHIP OF SEGUIN

## BY-LAW NO. 2003- 30

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### Being a By-law to provide for the Regulating and Licencing of establishments for the breeding of dogs and boarding of domestic animals within the Township of Seguin. (Kennel & Domestic Animal Boarding Facility Licencing By-law)

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**WHEREAS** Chapter 25, Sections 9(3) and 11 of the Municipal Act, 2001, S.O. 2001, provides that the Council of a local Municipality may pass by-laws relating to animals which includes the power to regulate or prohibit and to provide for a system of licences, permits, approvals or registrations and imposing conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration.

**AND WHEREAS** Chapter 25, Section 150, paragraph (2) provides that the council of a local Municipality may exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes:

1. Health and safety;
2. Nuisance control; and/or
3. Consumer protection.

**AND WHEREAS** Chapter 25, Section 150, paragraph (3) provides that the council of a local Municipality may pass a by-law licensing or imposing any condition on any business or class of business passed after this section comes into force shall include an explanation as to the reason why the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under subsection (2).

**AND WHEREAS** the Council of the Corporation of the Township of Seguin deems it necessary and desirable to provide for the protection of animals and also the protection of property Owners and other persons in areas where animals are being boarded or bred and such reasons relate to the purposes of health and safety and nuisance control, as set out above.

**AND WHEREAS** the Council of the Corporation of the township of Seguin has determined that the total amount of licence fees to be charged for licensing of businesses under this By-law does not exceed the cost directly related to the administration and enforcement of the portion of this By-law licensing businesses.

**NOW THEREFORE BE IT RESOLVED THAT COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF SEGUIN HEREBY ENACTS AS FOLLOWS:**

1. **DEFINITIONS**

For the purpose of this by-law the following definitions shall apply:

- 1.1 **ANIMAL CONTROL OFFICER** shall mean a person or persons appointed by Council for the purpose of animal control or appointed as a Municipal Law Enforcement Officer.
- 1.2 **BOARDING** shall mean the taking in of domestic animals for a period of time for capital gain.
- 1.3 **BREEDING** shall mean the generating of offspring resulting in quality of bloodlines as in purebred.
- 1.4 **COUNCIL** shall mean the Council of the Corporation of the Township of Seguin or any Committee of Council.
- 1.5 **DOG** shall mean any member of the species canis familiaris and shall include a male or female, spayed or neutered over the age of sixteen weeks.
- 1.6 **DOMESTIC ANIMALS** shall mean a dog, cat or any other similar pet which is generally understood to be domesticated and is typically kept indoors at a residence.
- 1.7 **DOMESTIC ANIMAL BOARDING FACILITY** shall mean any building, structure, run of facility, or part thereof, used for the boarding (for hire) of more than one (1) domestic animal but does not include a veterinarian clinic. (hereinafter referred to as a "Boarding Facility")
- 1.8 **HUMANE SOCIETY** shall mean the Ontario Society for the Prevention of Cruelty to Animals or any local branch of the Ontario Humane Society.
- 1.9 **INSPECTOR** shall mean an Animal Control Officer, a Licencing Officer or an Inspector for the Humane Society.
- 1.10 **KENNEL** shall mean any building, structure, dog run or other facility or part thereof, where:
  - 1.10.1 purebred dogs or mixed breed dogs are kept for breeding or show purposes; or
  - 1.10.2 dogs are kept solely for the purpose of routinely entering into dog sled or other similar races; or recreational purposes or;
  - 1.10.3 hunting dogs are kept for hunting purposes.

- 1.11 **KENNEL, HOBBY OR HOBBY KENNEL** shall mean any kennel used for the keeping of more than three (3) but less than eight (8) dogs, but does not include a Veterinarian Clinic. In addition to the maximum number of dogs set out above, a maximum of four litters of pups, up to sixteen weeks of age may be permitted in any licencing year.
  - 1.12 **KENNEL, COMMERCIAL BREEDING or COMMERCIAL BREEDING KENNEL** shall mean any kennel used for the keeping of eight (8) or more dogs but does not include a Veterinarian Clinic.
  - 1.13 **LICENCE** shall mean a certificate permitting an Owner to operate a hobby kennel, commercial breeding kennel or domestic animal boarding facility issued by the Licencing Officer upon compliance with the provisions of this By-Law.
  - 1.14 **LICENCING OFFICER** shall mean a person appointed by Council for the purpose of processing and issuing licenses under this By-law. For the purposes of this By-law, By-law Enforcement Officers Ernie VanKoughnett, Peter Shoebottom and Debbie Swim shall be Licencing Officers.
  - 1.15 **OWNER** shall mean the person who is the registered Owner of the property on which the kennel or domestic animal boarding facility is located and, in the case of a kennel, is also the person who owns, possesses or harbours a dog and, where an Owner is a minor, the person responsible for the custody of the minor.
  - 1.16 **PERSON** shall mean an individual human being, his/her personal agent, heir, successors and assigns and shall include a corporation with or without share capital.
  - 1.17 **PUREBRED** shall mean any dog that is registered or eligible for registration with an association incorporated under the Animal Pedigree Act (Canada).
  - 1.18 **ZONING ADMINISTRATOR** shall mean the Chief Building Official.
2. **LICENCING**
- 2.1 No person shall own, operate, manage, control, supervise or have any kennel or domestic animal boarding facility without a licence issued by the Municipality.
  - 2.2 Only the Owner may apply for and be issued a licence. A licence issued to the Owner is not transferable to any new Owner, except for those listed on Schedule "C".
  - 2.3 Every Owner who applies for a licence shall do so in writing on the form provided by the Municipality.
  - 2.4 **Hobby Kennel and Commercial Breeding Kennel Application Requirements-**  
Every Owner applying for a licence for a hobby kennel or commercial breeding kennel shall submit the following documentation to the Licencing Officer:
    - 2.4.1 in the case of a Kennel for purebred dogs, proof of active membership in the Canadian Kennel Club or any other Association incorporated under the Animal Pedigree Act (Canada); or
    - 2.4.2 in the case of a Kennel for purebred dogs, proof of active participation or registration in dog sled or similar races within the previous or upcoming 12 months, as may be deemed acceptable by the Licencing Officer; or
    - 2.4.3 in the case of a Kennel for hunting dogs, proof of active membership in the Canadian Kennel Club for registered hunting dogs; or proof of active membership in an Association for the purpose of Hunting Dogs Training or Trialing; or a hunting Dog Licence for each dog, issued by the Ministry of Natural Resources within the previous 12 months; or such other proof of active or upcoming 12 months, as may be deemed acceptable by the Licencing Officer; and
    - 2.4.4 in all cases, written clearance from the Humane Society assuring compliance with Section 3 of this By-Law, and
    - 2.4.5 in all cases, a Site Plan drawn to scale, showing the location of all buildings or structures on the subject property, including the location of all buildings or structures to be used for Kennel purposes. The Site Plan must also specify the distance which separates the Kennel buildings, structure, dog runs and facilities from all property lines and all buildings, including any residential buildings situated on the adjacent properties; and
    - 2.4.6 in all cases, a list of all dogs to be kept at the subject property, including both purebreds and non-purebreds, and verification of current rabies vaccinations for each dog; or a signed letter from a Practicing Veterinarian stating the reason or reasons why the dog has not been inoculated with an anti-rabies vaccine; and
    - 2.4.7 as applicable, the Hobby Kennel Licence Fee or Commercial Breeding Kennel Licence Fee, as set out in Schedule "A" attached hereto and forming part of this By-Law; and
    - 2.4.8 Sworn Declaration by the Owner that he/she has never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty.

- 2.5 **Domestic Animal Boarding Facility Application Requirements-**  
Every Owner applying for a Licence for a Domestic Animal Boarding Facility shall submit the following documentation:
- 2.5.1 written clearance from the Humane Society assuring compliance with Section 3 of this By-Law, and
  - 2.5.2 a Site Plan, drawn to scale, showing the location of all buildings or structures on the subject property, including the location of all buildings, structures, dog runs or facilities to be used for a Domestic Animal Boarding Facility. The Site Plan must also specify the distance which separates the Facility from all property lines and all buildings, including residential buildings situated on the adjacent properties; and
  - 2.5.3 Domestic Animal Boarding Facility Licence Fee, as set out in Schedule "A" attached hereto and forming part of this By-Law; and
  - 2.5.4 Sworn declaration by the Owner that he/she has never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty.
- 2.6 **Kennel Facility Prohibited in Dwelling Unit-**
- 2.6.1 No Commercial Breeding Kennel Facility shall be located within any part of a dwelling unit or attached to any dwelling unit.
  - 2.6.2 No part of any building or structure enclosing a Commercial Breeding Kennel Facility shall be used for human habitation.
  - 2.6.3 Not more than four litters of pups shall be raised in any licencing year within any facility located within any part of a dwelling unit or attached to any dwelling unit.
- 2.7 **Municipal Clearance-**  
Prior to the issuance of any licence, the Licencing Officer shall obtain Municipal clearance from:
- 2.7.1 the Animal Control Officer THAT:
    - a) a Site Inspection has been conducted to verify the information of the Site Plan and, in the case of a Kennel, the number of dogs at the subject Kennel; and
  - 2.7.2 the Zoning Administrator THAT:
    - a) the Site Plan and type of Kennel or Domestic Animal Boarding Facility meets the applicable zoning requirements.
- 2.8 **Refusal of Licence-**
- 2.8.1 The Licencing Officer shall refuse any Licence Application which does not meet with all of the requirements of this By-Law.
  - 2.8.2 In the event that a licence is refused, the Licencing Officer shall give Notice in writing to the Owner by registered mail or personal delivery.
  - 2.8.3 The Owner may apply to the Licencing Officer, in writing, within twenty (20) days from the date of Notice, for a Hearing before Council.
  - 2.8.4 Upon receipt of a Request for a Hearing, the Licencing Officer shall arrange for such Hearing at a Council meeting and Notice of the date, time and location of the Hearing shall be given to the Owner, in writing, by registered mail or personal delivery, not less than seven (7) days prior to the Hearing.
  - 2.8.5 Council shall review the Application for Licence, together with the Licencing Officer's reasons for refusal and/or recommendations for conditions to be placed upon any Licence and shall hear the Owner or Agent's verbal or written submissions as to how the Application fulfills the requirements of this By-Law.
  - 2.8.6 Council, upon reviewing and hearing these submissions, may confer, in Closed Session, on the matter and shall render its decision and reasons therefore in Open Session.
  - 2.8.7 Council may, in rendering its decision, place Special Conditions on the Licence for a specified time period.
  - 2.8.8 The Licencing Officer shall give written Notice of Council's decision to the Owner, by registered mail or personal delivery, within ten (10) days of the decision.
  - 2.8.9 Council's decision shall be final and not subject to further review.
- 2.9 **Changes to Site Plan-**
- 2.9.1 After the issuance of a Licence, the Owner shall apply in writing to the Licencing Officer for approval of any changes which would alter the Site Plan submitted with the Licence application. Said Application for changes shall include a Revised Site Plan.
  - 2.9.2 Upon receipt of a revised Site Plan, the Licencing Officer shall obtain the Municipal clearance as set out in Section 2.7 of the By-Law and may consult with the Humane Society that provided clearance for the initial Application, if deemed appropriate.
  - 2.9.3 Upon receipt of a Revised Site Plan, the Licencing Officer may consult with the Muskoka Parry Sound District Health Unit or such other agency or department responsible for public health or septic system approvals that provided clearance for the initial Application, if deemed appropriate.
  - 2.9.4 Notice of approval or refusal of a Site Plan Change shall be given by the Licencing Officer, in writing, by registered mail or personal delivery.
  - 2.9.5 In the event that the proposed change is refused, the Owner may apply for a Hearing before Council following the same procedures as set out in Section 2.8 above.
- 2.10 **Expiry of Licence and Renewal-**  
Every Licence issued pursuant to this By-Law shall expire on the 31st day of December in the year of the date of issue and every Application for Renewal of a licence shall be finalized on or before the same date.

2.11 **Exemption from Dog Tags-**

- 2.11.1 Upon the issuance of a Licence under this By-Law, the Owner shall be exempt from the necessity of purchasing dog tags under the Dog Licencing and Control By-Law for the dogs in a Kennel or dogs in a Domestic Animal Boarding Facility.
- 2.11.2 Notwithstanding 2.11.1, the Owner of a Domestic Animal Boarding Facility shall not be exempt from the necessity of purchasing dog tags, with respect to any dogs owned by the Owner, unless the Owner holds a valid Kennel Licence for the subject property.

3. **MINIMUM STANDARDS**

All Kennels and Boarding Facilities shall comply with the minimum standards:

- 3.1 Every Kennel or Domestic Animal Boarding Facility shall be of sufficient space to allow the dogs or domestic animals kept therein to:
  - i) stand normally to its full height
  - ii) turn around easily
  - iii) move about easily for the purpose of posture adjustments
  - iv) lie down in a fully extended position
  - v) enable species-appropriate contact
  - vi) provide bitches with nursing puppies an additional 10% space per nursing puppy
  - vii) provide for the social and behavioral needs of the dog.
- 3.2 Every Kennel or Domestic Animal Boarding Facility shall provide an adequate supply of potable water for each animal's consumption.
- 3.4 Every Kennel or Domestic Animal Boarding Facility shall be kept in a sanitary, well ventilated condition and free from disease and vermin. Animal feces shall be removed daily.
- 3.5 The Owner of a Kennel or Domestic Animal Boarding Facility shall maintain compliance with the Health Protection and Promotion Act, at all times.

4. **CONFINEMENT AND CONTROL OF DOMESTIC ANIMALS**

- 4.1 The Owner of a Kennel or Domestic Animal Boarding Facility shall maintain control of all dogs or domestic animals under his care, at all times.

5. **COMPLAINTS**

- 5.1 In the event that a complaint is received by the Licencing Officer, that the Owner is not in compliance with the Minimum Standards set out in Section 3 of this By-Law:
  - 5.1.1 the Animal Control Officer shall be directed to investigate the matter and report to the Licencing Officer.
  - 5.1.2 Upon receipt of the Animal Control Officer's Report, the Licencing Officer may request that the Humane Society re-inspect and provide an up-to-date approval, in accordance with Section 2.4.4. or 2.5.1.
  - 5.1.3 Upon receipt of the Animal Control Officer's Report, the Licencing Officer may request that the Muskoka Parry Sound District Health Unit or such other agency or department responsible for public health, septic system approvals and/or sewage system approvals provide an up-to-date approval.
  - 5.1.4 In the event that the Owner is found in contravention of the Health Protection and Promotion Act, the Muskoka Parry Sound District Health Unit may take whatever action is deemed appropriate under the provisions of the Act.
  - 5.1.5 In the event that the Owner is unable or unwilling to obtain an up-to-date approval from the Humane Society or from the Muskoka Parry Sound District Health Unit, or such other agency or department responsible for public health, septic system and/or sewage system approvals, where applicable. The Licencing Officer shall commence proceedings to revoke the licence under Section 6 of this By-Law.
- 5.2 In the event that a complaint is received, by the Licencing Officer, that the Owner is not in compliance with the confinement and control provisions set out in Section 4 of this By-Law:
  - 5.2.1 The Animal Control Officer shall be directed to investigate the matter and report to the Licencing Officer.
  - 5.2.2 In the event that the Owner is found in contravention of the Dog Control By-Law, the Animal Control Officer may take whatever action is deemed appropriate under the provisions of the applicable By-Law.
  - 5.2.3 In the event that the Owner is unable or unwilling to comply with the provisions of Section 4, the Licencing Officer shall commence proceedings to revoke the licence under Section 6 of this By-Law.

6. **REVOCAION OF LICENCE 0v1P**

- 6.1 Any Licence issued under the provisions of this By-Law may be revoked prior to expiration for any breach of the provisions of this By-Law.
- 6.2 Prior to the revocation of this Licence, the Licencing Officer shall give notice, in writing, to the Owner by registered mail or personal delivery and the Owner may apply for a hearing before Council, following the same procedures as set out in Section 2.8 of this By-Law.

7. **ADMINISTRATION, ENFORCEMENT AND INSPECTION**

- 7.1 This By-Law shall be administered by the Licencing Officer who shall give any notices, in writing, to the Owner by registered mail or personal delivery and the Owner may apply for a hearing before Council, following the same procedures as set out in Section 2.8 of the By-Law.

- 7.2 This By-Law shall be enforced by the Animal Control Officer, as defined herein or such other person or persons as Council may, by way of a by-law, appoint and all such persons shall be considered Inspectors under the terms of this By-Law.
- 7.3 An Inspector under this By-Law, as per Section 1.9:
- 7.3.1 has the power to enter upon and examine any building, structure, run or facility or part thereof, used for Kennel or Domestic Animal Boarding Facility purposes, at any reasonable time or times; and
  - 7.3.2 may be accompanied by such other person or persons, as deemed necessary to properly carry out their duties under this By-law.

8. **OFFENCES**

- 8.1 Every person who:
- 8.1.1 hinders, disturbs, or obstructs any inspector in the carrying out of his/her duties under this By-Law, or;
  - 8.1.2 contravenes or fails to comply with any provisions of this By-Law is guilty of an offence and subject to a penalty pursuant to the Provincial Offences Act, RSO 1990, P.33, as amended.
- 8.2 The conviction of an offender upon breach of any provisions of the By-Law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provisions of the Municipal Act, 2001, SO 2001, as amended from time to time, and shall further apply to any continued or repeated breach of this By-Law.
- 8.3 If any Court of competent jurisdiction finds that any of the provisions of this By-Law are ultra vires, the jurisdiction of Council or are invalid for any reason, the other provisions of this By-Law shall remain in full force and effect.

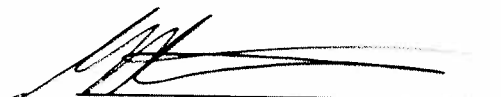
9. **MISCELLANEOUS**

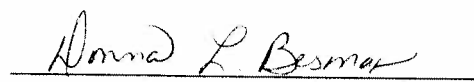
- 9.1 Where the context permits, words importing the singular member of /or the masculine gender, also include more than one person(s), parties, or things of the same kind than one and female as well as male.
- 9.2 This By-Law may be cited as the Kennel and Domestic Animal Boarding Facility Licencing By-Law.

10. **ENACTMENT**

- 10.1 That this By-Law shall take full force and effect upon the date of final passing.

**READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED, THIS 22<sup>nd</sup> DAY OF APRIL, 2003.**

  
**George Stivrins,**  
**Reeve**

  
**Donna Besman,**  
**Chief Administrative Officer/Clerk**



**Schedule "A" to By-law No. 2003- 30**

**Licence Fee Schedule**

Hobby Kennel	<b>\$75.00</b>
Commercial Breeding Kennel	<b>\$75.00</b>
Domestic Animal Boarding Facility	<b>\$75.00</b>

SCHEDULE "B" to By-law No. 2003- 30

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

Application for Kennel or Domestic Animal Boarding Facility Licence

( ) New Application ( ) Renewal

For: ( ) Hobby Kennel Licence ( ) Domestic Animal Boarding Facility ( ) Commercial Breeding Kennel

Owner: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

POSTAL CODE: \_\_\_\_\_ CIVIC ADDRESS: \_\_\_\_\_

ROLL NO. 4903- \_\_\_\_\_

PHONE NO. \_\_\_\_\_  
(HOME) (WORK)

(If more than one Owner and different addresses, attach separate sheet.)

If Owner is a Corporation, provide the following information:

Name of shareholders/Directors	Address	% of shares
_____	_____	_____
_____	_____	_____
_____	_____	_____

(If more than three (3) shareholders/Directors, attach a separate sheet)

Lot \_\_\_\_\_ Con \_\_\_\_\_ Plan No. \_\_\_\_\_

Professional Affiliations of Owner/Operator:

Canadian Kennel Club ( ) yes ( ) no If yes, specify Club No. \_\_\_\_\_

Other (specify): \_\_\_\_\_

Please provide a complete listing of ALL DOGS being kept on your property. (Use separate sheet, if necessary)

DECLARATION

I/We \_\_\_\_\_, hereby certify that I/We have knowledge of the particulars contained in the foregoing statement, and I/We solemnly affirm that the same are in every respect fully and truly stated to the best of my/our knowledge and belief, as if made under and by virtue of the Canadian Evidence Act and I/We solemnly affirm that I/We have not been convicted under Section 446 of the Criminal Code Act of Canada pertaining to animal cruelty.

Sworn before me, at the \_\_\_\_\_ )  
of \_\_\_\_\_, in the \_\_\_\_\_ )  
of \_\_\_\_\_ )  
this \_\_\_\_\_ day of \_\_\_\_\_ 2003 )  
Owner

A Commissioner for Taking Oaths, etc.

**Clearance for Licence by Humane Society**

I/We \_\_\_\_\_, have inspected the subject property and facilities and hereby certify that the Application meets the Minimum Standards as set out in Section 3 of this By-Law.

\_\_\_\_\_  
Ontario Society for the Prevention of  
Cruelty to Animals (Humane Society) \_\_\_\_\_ DATE

**Domestic Animal Boarding Facility Applicants Only**

I/We \_\_\_\_\_, hereby certify on the behalf of the \_\_\_\_\_, a Domestic Animal Boarding Facility, that any dogs on our premises and under our watch and care are not being offered for sale.

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

**ADMINISTRATIVE USE ONLY**

**Application received by:**

\_\_\_\_\_  
Municipal Employee Date

**Municipal Clearance Received from:**

1. \_\_\_\_\_  
Zoning Administrator Date

2. \_\_\_\_\_  
Animal Control Officer Date

Kennel Licence No. \_\_\_\_\_  
Issued by:

\_\_\_\_\_  
Licencing Officer Date

**REFUSAL OR REVOCATION OF LICENCE**

Kennel Licencing No. \_\_\_\_\_ has been refused/revoked due to the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Licencing Officer Date