

The Corporation of the City of Kawartha Lakes

By-Law 2018-XXX

A By-Law to Replace By-law 2014-141, Being a By-law to Licence, Regulate and Govern Kennels in Kawartha Lakes

Recitals

1. Sections 150 - 153 of The *Municipal Act, 2001*, S.O. 2001 c.25, as amended authorizes Council to licence, regulate and govern businesses and events.
2. This authority includes but is not limited to the power to issue licences, to issue licences on condition, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such businesses and to prevent the carrying on of such businesses without a licence.
3. Section 425(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, is guilty of an offence.
4. Section 429(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2018-XXX.

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** If a word is used in this by-law and a definition is not provided the definition of that word will be found in a legal dictionary and if not found in a legal dictionary then a standard English dictionary definition is used. In this by-law:

“agent, trustee” means any person who may represent the owner or the kennel and includes but is not limited to an employee or operator of the kennel.

“animal” is defined in Section 11.1 of the *Municipal Act 2001 S.O. 2001 c.25*, as amended and means any member of the animal kingdom, other than a human. That definition (as amended from time to time) is adopted for this by-law.

“animal sound” means any sound emitted from an animal, which is audible at a point of reception. This term includes but is not limited to: barking, whimpering, whining, howling and yelping.

“applicant” includes a person seeking a licence, or renewal of a licence or a person whose licence is being considered for revocation or suspension.

“boarding kennel” means a structure or part thereof in which dogs are boarded on a temporary basis for more than 8 consecutive hours for remuneration.

“breeding” means the generation of offspring. The terms “breed”, “bred” and words of like import or intent have corresponding meanings.

“breeding kennel” means a structure or part thereof in which dogs are kept for the purposes of intentional breeding and sold for remuneration.

“broker” means any person or corporation that facilitates the sale of dogs or puppies for remuneration but does not include a breeding kennel.

“business” means a trade that requires a licence pursuant to this by-law, whether or not a licence has been issued or maintained for that business.

“business day” means Monday, Tuesday, Wednesday, Thursday, Friday, between the hours of 8:00 a.m. and 6:00 p.m. excluding any holiday as defined by the Legislation Act, 2006, S.O. 2006, c.21, Schedule F as amended.

“by-law” means this by-law, as it may be amended from time to time. The recitals to, and the schedules attached to this by-law are considered integral parts of it.

“canine day boarding facility” means a structure or part thereof in which dogs are housed for a period not exceeding 10 consecutive hours and not overnight;

“Chief Building Official” means the person within the City’s administration who fulfills the function of the chief building official as required by the *Building Code Act*, 1992, S. O. c.23, as amended, or his or her delegate.

“City”, “City of Kawartha Lakes”, “Kawartha Lakes”, or “municipality” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“City Clerk” means the person within the administration of the City who fulfils the function of the City Clerk as required by the *Municipal Act*, 2001 S.O. c.25, as amended, or their delegate.

“committee” means the committee of Council to which Council has delegated the responsibility of handling licensing matters. Where no delegation has been made, the term refers to the Council itself.

“Consolidated Fees By-law” means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.”

“control” includes care and custody.

“Council” means the municipal council for the City.

“Dog(s)” means a male or female of the species *canis familiaris*.

“dog kennel shelter” means an enclosed area in a kennel building or outdoors offering protection from the elements for a dog(s) when sleeping or resting and may include but is not limited to a dwelling unit.

“dwelling unit” means one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household and with a private entrance from outside the building or from a common hallway or stairway inside the building but does not include motels, hotels, tents, truck campers, tourist trailers, cottage establishments, lodges, cabins or mobile camper trailers.

“Fire Chief” means the person within the City’s administration who fulfills the function of the fire chief as required by the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, or their delegate.

“Health Unit” means the Haliburton, Kawartha, Pine Ridge District Health Unit.

“highway” includes every highway as defined by the *Highway Traffic Act R.S.O. 1990, CHAPTER H.8*, as amended from time to time, including a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“household” means any dwelling unit, and includes the entire property (any outdoor space or accessory buildings) associated with the household. “House” has a corresponding meaning.

“Humane Society of Kawartha Lakes” means the local animal shelter and affiliate of the OSPCA from which animals may be redeemed or lawfully adopted.

“impound” means an animal is taken into custody and transported to a City pound and held. The terms “impoundment”, “impounded” and words of like import or intent have corresponding meanings.

“kennel” for the purpose of this by-law means any building, structure, dog run or other facility, which houses dogs for the purpose of breeding, boarding or training for profit or not for profit. For the purposes of a boarding and training kennel the dogs do not live at the property where they are to be boarded or trained on a permanent basis but will be at the kennel for more than 8 consecutive hours and shall include a Breeding Kennel, Boarding Kennel, and Working Dog Kennel, Canine Day Boarding Facility, and Broker as defined within this by-law.

“kennel building” is a structure or facility where the dog kennel shelters, cages or pens that house the dogs are kept and may include a dwelling unit.

“leash” means a strap, cord or chain which is designed to restrain the animal it is controlling

“licence” means a licence issued pursuant to this by-law.

“licensee” means the owner of a licence.

“licence year” means the period between January 1 and December 31 in any calendar year.

“Licensing Officer” means the municipal Licensing Officer for the City, responsible for the issuing, administration and approval of Licences in accordance with provincial legislation and City policies and procedures, or their delegate.

“Livestock Guardian Dog” means a dog that works and/or lives with domestic farm animals (i.e. cattle, sheep, goats) to protect them while aggressively repelling predators and is used exclusively for that purpose.

“Manager of Municipal Law Enforcement” means the person who holds that position and/or their delegate(s) or, in the event of organizational changes, another person designated by Council.

“Medical Officer of Health” means the Medical Officer of Health of the Health Unit or their delegate.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001 c.25 as amended from time to time.

“Municipal Law Enforcement Officer” is a person duly appointed within the City’s administration to enforce the by-laws of the City, and includes the Licensing Officer.

“operator” is a person with care and control of a kennel at any given point in time, with authorization of the owner of the kennel. The terms “operate”, “operation” and words of like import or intent have corresponding meanings.

“OSPCA” means the Ontario Society for the Prevention of Cruelty to Animals within the jurisdiction of the Province of Ontario. “Ontario SPCA” has the same meaning.

“OSPCA Act” means the *Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, C. O.36* as amended from time to time.

“owner” means a person:

1. to whom a licence for a kennel has been issued under this bylaw; or
2. who owns, is in possession of, or has the care and control of a kennel;
3. (when used in relation to a dog) who possesses or harbours the dog and, where the owner is a “minor”, the person responsible for the custody of the minor.

“Peace Officer” includes but is not limited to the mayor, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, jailer or keeper of a prison, and a police officer, bailiff, municipal law enforcement officer, licensing officer or other person employed for the preservation and maintenance of the public peace, or for the service of execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this by-law.

“persistent” is characterized by a specified habitual behaviour pattern, which is an undesirable one. “Insistently repetitive” or “continuous” have a corresponding meaning.

“person” includes but is not limited to an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate, a natural person.

“pet store” means a store or place where animals or birds for use as pets are sold or kept for sale but does not include a shop or place for breeding or overnight boarding of pets.

“point of reception” means any geographic location at which a sound can be heard, excluding the premises from which the sound originates.

“Police” means the Chief of Police or other designated officer in charge of a police service within the jurisdiction in the relevant geographic area of Kawartha Lakes, or their delegate.

“premises” means a building or part of a building or a place.

“running at large” means an animal that is in a place other than a property owned or occupied by its owner, and not under the control of any person. **“run at large”** or **“at large,”** has a corresponding meaning.

“schedule” means a schedule to this by-law.

“site plan” means a sketch of the property outlining the kennel, building locations and proximity to neighbouring dwelling units.

“trade” includes business, calling or occupation and “carrying on a trade” includes any act of:

- a) selling any animals, goods or providing a service; or
- b) soliciting business or offering or exposing goods or services for sale or hire.

“Whelping” means the process of giving birth.

“Working Dog Kennel” means a structure or other enclosure in which the owners personal dogs are housed and such dogs are kept for the purposes of hunting or used as working dogs such as sled dogs.

“young dogs” or **“puppies”** are dogs that are 16 weeks of age or under.

1.02 **Interpretation Rules:**

- a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- c) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

- 1.05 **Conflicts:** If a provision of this by-law conflict with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

Section 2.00: Licensing Requirements

- 2.01 **Requirements:** Every person carrying on a kennel shall obtain a licence from the city. This section is subject to any exemption provided for within this by-law. No person shall, either directly or indirectly, carry on or continue to carry on a kennel either for profit or not for profit, without first having obtained the required licence. Failure to comply with this section or any other provision of this by-law shall be an offence.
- 2.02 **Regulations:** A person who receives a licence for a kennel shall comply with the regulations set out in this by-law and any other applicable by-laws, Provincial or Federal legislation or regulations. Failure to comply with the regulations in this by-law is an offence.
- 2.03 **Responsibility of Agents:** An agent, trustee or representative of persons operating a kennel in Kawartha Lakes shall also be personally liable for the compliance of their principal, beneficiary or persons they represent in connection with this by-law. The owner of the kennel shall be liable for any action of their agent(s) that is not in compliance with this by-law. Failure to comply with this section is an offence.
- 2.04 **Locational Requirement:** A licence shall be obtained for each location from which a kennel is operating. Failure to comply with this section shall be an offence.

Section 3.00: Licensing Procedures

- 3.01 **Application:** An application for a licence or renewal of a licence may be made at the main licensing office of the city, or at any of the city's municipal service centres, on the form prescribed by the Licensing Officer. A renewal shall be applied for at the beginning of every calendar year.
- 3.02 **Application Requirements and Documentation For New Applications – Breeding, Boarding, Canine Day Boarding, and Working Dog Kennels:** Every applicant applying for a new licence for a kennel shall submit the following documentation to the Licensing Officer:
- a) a fully completed application form as supplied by the city;
 - b) applicant shall sign a sworn declaration stating “applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals”. Any person who has been legally prohibited from owning an animal or who has been

convicted for cruelty of animals or offences against animals shall not be permitted a kennel license;

- c) the appropriate licence fee required in accordance with the Consolidated Fees By-law;
- d) proof of insurance as outlined in Section 8;
- e) Documentation from the Development Services Department that the property upon which the kennel will operate is appropriately zoned;
- f) documentation, satisfactory to the Licensing Officer, that the applicant is the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site;
- g) 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 kennel. The site plan must specify the distance that separates the kennel from all dwelling units, including any dwelling units situated on the adjacent properties;
- h) copy of the Ontario Master Business Licence (if applicable);
- i) registered kennel certificate (if applicable);
- j) a list of all dogs to be permanently kept at the subject property, noting verification of current rabies vaccination or titer testing for each dog (except where there is proof that the dog is under four (4) months of age).

3.03 Application Requirements and Documentation For Renewal Applications - Breeding, Boarding, Canine Day Boarding, and Working Dog Kennels: Every applicant applying to renew a licence for a kennel shall annually submit the following documentation to the Licensing Officer:

- a) a fully completed application form as supplied by the city;
- b) applicant shall sign a sworn declaration stating “applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals”. Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty to animals shall not be permitted a kennel license;
- c) the appropriate licence fee required in accordance with Schedule B-3 to the Consolidated Fees By-law;
- d) proof of insurance as outlined in Section 8;
- e) proof, by declaration, that the applicant is in compliance with any other applicable by-laws, Provincial or Federal legislation or regulations.

3.04 Application Requirements and Documentation For New Applications – Broker: Every applicant applying for a broker kennel licence shall submit the following documentation to the Licensing Officer:

- a) a fully completed application form as supplied by the city;
- b) applicant shall sign a sworn declaration stating “applicant is not currently under any prohibition to be in possession or in control of an

animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty of animals or offences against animals shall not be permitted a kennel license;

- c) a list of licenced kennels and other sources from which dogs, young dogs, and puppies are sourced from;
- d) the appropriate licence fee required in accordance with the Consolidated Fees By-law;
- e) proof of insurance as outlined in Section 8;
- f) Documentation from the Development Services Department that the property upon which the kennel will operate is appropriately zoned (if applicable);
- g) documentation, satisfactory to the Licensing Officer, that the applicant is the property owner of the land at the location or, alternatively, that they have the authority of the property owner and/or manager to operate from the site;
- h) 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 kennel. The site plan must specify the distance that separates the kennel from all dwelling units, including any dwelling units situated on the adjacent properties (if applicable);
- i) copy of the Ontario Master Business Licence (if applicable);
- j) a list of all dogs to be permanently kept at the subject property and proof of municipal dog licence for each dog.

3.05 **Application Requirements and Documentation For Renewal**

Applications - Broker: Every applicant applying to renew a licence for a broker kennel licence shall annually submit the following documentation to the Licensing Officer:

- a) a fully completed application form as supplied by the city;
- b) applicant shall sign a sworn declaration stating "applicant is not currently under any prohibition to be in possession or in control of an animal or been convicted for cruelty to animals". Any person who has been legally prohibited from owning an animal or who has been convicted for cruelty to animals shall not be permitted a kennel license;
- c) the appropriate licence fee required in accordance with Schedule B-3 to the Consolidated Fees By-law;
- d) proof of insurance as outlined in Section 8;
- e) a list of licenced kennels and other sources from which dogs, young dogs, and puppies are sourced from;
- f) proof, by declaration, that the applicant is in compliance with any other applicable by-laws, Provincial or Federal legislation or regulations.

3.06 **Additional Documents Required:** In addition to the requirements prescribed in Sections 3.02, 3.03, 3.04, and 3.05, the applicant shall, at the

request of the Licensing Officer or designate, provide additional documentation should a complaint or concern be reported to the licensing officer or a concern arises from inspection including but not limited to:

- a) documentation from the Medical Officer of Health that all health requirements have been met;

3.07 Record-keeping Requirements of a Kennel and Brokers: Every owner of a licenced kennel and brokers shall maintain records appropriate to the type of kennel being operated and must include, at minimum, health records, the number of dogs being kept and the destination of each dog after it leaves the property.

3.08 Additional Criteria Considered: The Licensing Officer may deny a licence or issue a licence with specific conditions based on, but not limited to, the following criteria:

- a) the applicant's kennel, premises or place of trade are the object of an order to comply made under the Property Standards By-law, or an order made under the *Building Code Act S. O. 1992, c.23*, as amended;
- b) the applicant's premises (or use of such for the kennel requested) is not in compliance with the Zoning By-law or any parking requirements of the city;
- c) the applicant's premises requires corrective action pursuant to an order of the Medical Officer of Health to ensure the safety or health of the public;
- d) the applicant's premises requires corrective action pursuant to an order of the Fire Chief;
- e) the applicant has been convicted of an offence pursuant to the *Criminal Code of Canada*, R.S.C. 1985, c. C.46 that relates to crimes against animals;
- f) the applicant was previously convicted of an offence pursuant to this or a predecessor by-law;

3.09 Inspection Requirement: The Licensing Officer or designate will inspect any property where a kennel is to operate prior to the issuance of any new or renewal licence within 20 business days of application or on an agreed upon date at the request of the kennel operator. Any person authorized to conduct an inspection shall endeavour to take adequate precautions to ensure proper care is taken to limit the risk of spreading disease within kennels is adhered. Precautionary measures will be determined by the kennel owner/operator. Such precautions will include the use of one or a combination of the following measures: use disinfectant spray on boots and clothing, the wearing of freshly laundered clothing to each inspection, the wearing of bio-hazard suits, the wearing of protective boot covers. In addition, only one inspection will occur per day to limit the risk of spreading disease within kennels. Where appropriate, the kennel owner/operator may provide the protective supplies.

It is an offence to obstruct or permit the obstruction of an inspection under this section.

A person authorized to conduct an inspection for licence issuance purposes under this section, shall consult with the kennel owner prior to entering the kennel and meet all of the sanitation requirements of the owner to enter the kennel.

A person authorized to conduct an inspection under this section for enforcement purposes shall take every precaution to ensure adequate sanitation requirements are met when entering the kennel.

- 3.10 **Time Limited:** Licences shall be issued for a maximum period of one year and shall come into effect on the date of issue, and expire on December 31 of that same year. Expiring licenses remain in effect during the renewal process.

Section 4.00: Licence Regulations – All Licences

- 4.01 **Prerequisites for Operating a Kennel:** Kennels shall only be operated for the purposes of breeding, boarding, day boarding or training dogs. A kennel building may not be required for sled dogs, hunting dogs, working dogs or Livestock Guardian Dogs, but a dog kennel shelter shall be provided at all times.
- 4.02 **Zoning Requirements:** The Licensing Officer shall not issue a licence under this by-law for the operation of a kennel on lands which do not meet the requirements of the applicable city zoning by-law, or any other applicable Municipal by-law, Provincial or Federal legislation or regulation, and shall not be permitted on property less than two hectares (5 acres) in size.
- 4.03 **Number per Property:** The Licensing Officer shall not issue a licence under this by-law for the operation of more than one kennel per property.
- 4.04 **Proximity to Neighbouring Properties:** In order to qualify for a kennel licence under this by-law, no kennel shall be situated within one hundred and fifty metres (150m) of a neighbouring dwelling unit(s).
- 4.05 **Dogs Environmental Needs:** In order to qualify for a kennel licence under this by-law, every kennel operator must ensure that the environmental needs of dogs are met in accordance with the Ontario Society for the Prevention of Cruelty to Animals Act, as amended. Every dog in the kennel shall be provided with adequate and appropriate:
- a) food and water;
 - b) medical attention;
 - c) care necessary for its general welfare;

- d) resting and sleeping area;
- e) space to enable the animal to move naturally and to exercise;
- f) sanitary conditions;
- g) ventilation;
- h) light; and
- i) protection from the elements, including harmful temperatures.

- 4.06 **Residence Requirement:** A kennel licence under this by-law shall not be issued unless one of the owners, operators, or employees of the kennel resides on a full time basis in a dwelling unit on the property where the kennel is located while the kennel is operational.
- 4.07 **Transition Period:** Where a kennel operated lawfully immediately before this by-law took effect, the owner or operator shall be provided with a maximum transition time period of twelve (12) months to comply with this by-law.
- 4.08 **Grandfathering:** Where a kennel operated lawfully before by-law 2005-42 took effect, the current owner shall be exempt from the provisions of Subsections 4.02, 4.03, 4.04, 4.05.
- 4.09 **License Transfer:** Licenses issued under Section 4.08 (grandfathering) are not transferrable.
- 4.10 **Exemptions:**
- a) **Veterinarians:** A licenced Veterinarian shall not be considered a kennel owner/operator where a dog(s) has been brought upon their premises for care or treatment.
 - b) **Animal Shelters or Pounds:** The operator of an animal shelter, humane society or animal pound shall not be considered a kennel owner/operator where dog(s) are being temporarily sheltered within their premises for care or treatment and will not be retained for more than eight (8) weeks. In order to qualify for this exemption, an animal shelter must be a facility that has been approved by the Ontario Society for the Prevention of Cruelty to Animals, or a similar organization recognized by the Licensing Officer. The Licensing Officer may grant an extension of the time period referenced in this subsection to address special circumstances. An example of appropriate special circumstances would be a situation where the appropriate medical treatment for the recovery of an abused animal will take longer than eight (8) weeks.
 - c) **Pet Stores:** The operator of a pet store shall not be considered a kennel owner/operator where dog(s) are being temporarily sheltered within their premises for the purposes of sale to the public.
- 4.11 **Unattended Animals:** It is an offence for a kennel owner to leave the kennel operation, unless the dog(s) are prevented from running at large,

by means of an adequate tether or fence or any other enclosure, and the dog(s) are attended and care for by a competent person at least twice per day.

- 4.12 **Noise and Nuisance Prevention:** It is an offence for the Owner or Operator of a Kennel to permit or allow any Dog(s) to make persistent or excessive Animal Sounds audible at a Point of Reception.

Section 5.00: Licence Regulations for Canine Day Boarding Facilities

- 5.01 **Zoning Requirements for Canine Day Boarding Facilities:** Notwithstanding Section 4.02, Canine Day Boarding Facilities shall be permitted on properties of less than two hectares (5 acres) in size that are zoned for commercial and/or industrial use and where “personal service” is listed as a permitted use.
- 5.02 **Fencing Requirements:** Fences are required to enclose all outdoor areas where dogs may be off leash. Fences must be constructed in accordance with By-Law 2017-216 being a By-law to Regulate Fences in Kawartha Lakes, as amended.
- 5.03 **Waste Removal Requirements:** Canine day boarding operators shall ensure that all outdoor and indoor areas are cleaned to prevent offensive odors. Animal waste is removed from the property daily and disposed of in accordance with any City by-law or provincial or federal regulation.

Section 6.00: Impoundment and Redemption

- 6.01 **Dogs at Large:** No Kennel Operator shall cause or permit any dog(s) to be at large. Permitting a dog or dogs to run at large is an offence.
- 6.02 **Impoundment:** Any dog found at large in contravention of this by-law may be impounded by a municipal law enforcement officer or police officer and taken to a pound.
- 6.03 **Recovery of Impounded Dogs:** The owner of an impounded dog or another person acting with the authorization of the owner may recover the dog from a pound within three business days, excluding the day on which the dog was impounded, and in order to do so shall be required to pay the current fee for each day or portion of a day that the dog has been in the pound and all costs incurred by the City in impounding the dog, including the full amount of any emergency veterinary care that was required for the dog and administration fee.

- 6.04 **Disposition of Impounded Dogs:** If an impounded dog is not recovered from a pound within the time period specified in section 6.03, the dog may be surrendered to a Humane Society or or otherwise disposed of by the City in any lawful and humane manner.

Section 7.00: Licence Issue, Revocation & Suspension

- 7.01 **Licence Fee:** The fee for obtaining a licence or renewal of a licence for a kennel shall be the amount set forth in the Consolidated Fees By-law. License fees shall be raised in accordance with inflation and upon review and approval by council.
- 7.02 **Licence Fee Refund:** No fee is refundable except in the event that a licence is revoked by reason of municipal staff error. In that case, the licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.
- 7.03 **Duplicate Licence:** Except as otherwise provided in this by-law, a duplicate licence may be issued by the Licensing Officer to replace any licence previously issued which has been lost, stolen or destroyed, upon written application by the licensee and upon payment of the fee set out in Schedule B-3 to the Consolidated Fees By-law.
- 7.04 **Posting of Licences:** The licensee shall keep the licence obtained under this by-law in a place on the property where the kennel is being operated and be available to the public at all times. Persons licensed under this by-law shall, when requested by the Licensing Officer, the Police, the Medical Officer of Health, the Fire Chief, a Municipal Law Enforcement Officer or any person authorized by council, produce the licence for inspection and shall exhibit the licence to any person to whom the licensee is offering dogs for sale or offering to board or train a persons dogs. Failure to comply with this section is an offence.
- 7.05 **Partnerships and Corporations and Unincorporated Associations:**
- (a) A partnership, a corporation, an association or a combination of persons is considered as a single applicant for any one kennel.
 - (b) On any application by a partnership, the licence shall be issued in the name under which the applicant carries on the kennel. The names and addresses of all partners must be listed on the application form.
 - (c) Any application by a corporation shall contain the names and addresses of the officers and directors of the corporation.

- (d) A change in composition of the members of a partnership or in the officers and/or directors of a corporation shall be reported to the clerk or licensing officer within thirty days. Failure to comply with this section is an offence.
- 7.06 **Change of Address:** Every change of mailing address or telephone number of any licensee shall be reported to the Licensing Officer within fifteen (15) days. Failure to comply with this section is an offence.
- 7.07 **No Transfer:** It is an offence to attempt to transfer or assign a licence issued under this by-law except in accordance with Section 7.08.
- 7.08 **Licence Transfer:** Upon cessation or sale or other transfer of a kennel, the licensee of that kennel shall notify the Licensing Officer of the cessation or transfer. Where the kennel is being transferred, and subject to any restrictions in the applicable section, the new owner or operator shall be required to submit an application for the licence transfer, in the form prescribed by the Licensing Officer. The requirements of Section 3.00 of this by-law apply to applications for licence transfer.
- 7.09 **No Vested Right:** No person enjoys a vested right in the continuance of a licence and upon issuance, renewal, cancellation or suspension; all licences remain the property of the city.
- 7.10 **Licensees to Use Name on Licence:** It is an offence for a person licensed to carry on a kennel under this by-law to advertise or carry on that kennel under any other name than the one endorsed on their licence.

Section 8.00: Insurance

- 8.01 **Insurance:** Any person who obtains a kennel license shall provide to the Licensing Officer, prior to the issuance of such license and any renewals thereafter, a current and valid Certificate of Insurance evidencing Commercial General Liability Insurance including but not limited to bodily injury including death, personal injury and property damage including loss of use thereof. This insurance shall be with an insurance company authorized by law to underwrite such insurance in the Province of Ontario. The amount of insurance shall be not less than two million (\$2,000,000) dollars per occurrence and in a form satisfactory to the Licensing Officer.
- 8.02 The policy shall be endorsed to provide the Licensing Officer with thirty (30) days' prior written notice of cancellation, material change or amendment restricting coverage. Failure to provide such notification is an offence.

Section 9.00: Indemnification

- 9.01 **Indemnification:** Every Licensee shall, prior to the issuance of a kennel license, enter into an indemnification agreement with the Corporation of the City of Kawartha Lakes whereby the Licensee agrees that it shall at all times indemnify and save harmless the City, its employees and Members of Council from and against any and all manner of claims, demands, losses, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property, which are occasioned by or attributable to the issuance of this license or operation of the business.

Section 10.00: Granting, Refusal and Revocation of Licenses

- 10.01 **Grant Licence:** The Licensing Officer shall issue a licence or licence renewal where the applicant is in full compliance with the terms of this by-law and all other applicable by-laws, Provincial and Federal legislation and regulations.
- 10.02 **Grant Licence with Conditions:** The Licensing Officer may, where the provisions of this by-law have been met, propose in writing to the applicant to grant the licence subject to conditions, if appropriate. If within five (5) days following the written proposal to grant the licence with conditions, the applicant has not indicated an objection to the licence with conditions, the licence is deemed to have been issued on the day of the notice of the proposal to grant.

The Licensing Officer shall revoke a licence granted with conditions if the applicant has not met the imposed conditions within the stipulated time frame.

- 10.03 **Refuse Licence:** In the event that the Licensing Officer refuses to grant for any reason, suspends or revokes a licence, and the applicant requests that the matter be considered by a committee appointed by council, the Licensing Officer shall prepare a report for the consideration of the committee and the applicant shall be provided with at least two (2) weeks notice of the meeting of council to consider the refusal to grant, revocation or suspension and shall have the opportunity to address council prior to council making a decision.
- 10.04 **Council Discretion:** Council may in its sole discretion grant, grant with conditions, refuse to grant, or revoke or suspend a licence.

In the exercise of its discretion under section 10.03 such discretion shall be exercised,

- a) upon such grounds as are set out in this by-law; or

- b) upon the grounds where the conduct of a person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

Section 111.00: Enforcement and Penalties

- 11.01 **Enforcement:** Municipal Law Enforcement Officers, Police, the Licensing Officer or any person appointed by council may enforce this by-law.
- 11.02 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to suspension or revocation of their license and a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 11.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.
- 11.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.
- 11.05 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.

Section 12.00: Administration and Effective Date

- 12.01 **Administration:** The Manger of Municipal Law Enforcement is responsible for the administration of this by-law.
- 12.02 **Effective Date:** This by-law shall come into force and take effect on the date of passage.
- 12.03 **Ongoing Matters:** By-law 2014-141 shall remain in force and effect for the purpose of conclusion of any legal proceedings commenced under that by-law prior to the effective date of this by-law.
- 12.04 **Caveat:** Any licencing, regulation or governing process underway with respect to kennels prior to the passage of this by-law shall follow the process described in By-law 2014-141, as amended.

12.05 **Fees:** The fee's for a kennel licence shall be outlined in the Consolidated Fee's By-law, as amended.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2018.

Andy Letham, Mayor

Cathie Ritchie, City Clerk