

The Corporation of the City of Kawartha Lakes

Council Report

Report Number LIC2018-006

Date: September 25, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Subject: Canine Day Boarding and Kennel By-Law Amendments

Author Name and Title: Alix Scarr, Senior Licensing Officer

Recommendation(s):

That Report LIC2018-006, **Canine Day Boarding and Kennel By-Law Amendments**, be received; and

That the necessary By-Law 2014-141, a By-Law to Licence, Regulate and Govern Kennels in Kawartha Lakes, be repealed; and

That a by-law to Licence, Regulate and Govern Kennels in Kawartha Lakes attached as Schedule A to this Report LIC2018-006 be forwarded to Council for adoption.

Department Head:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of March 20, 2018 Council directed staff to directed to prepare an amendment to By-Law 2014-141, a By-Law to Licence, Regulate, and Govern Kennels in Kawartha Lakes, to include licensing provisions to permit and regulate canine day boarding facilities located in industrial and commercial zones within the City of Kawartha Lakes and report back by the end of the third quarter of 2018.

Following this direction, staff reviewed the matter of canine day boarding facilities in industrial and commercial areas and developed by-law amendments to allow for canine day boarding facilities in these areas. Additionally, staff reviewed the kennel licensing by-law and is recommending additional housekeeping amendments, new definitions to make the different types of kennels more clear, and to include licensing provisions for brokers of dogs and puppies. The proposed changes will have no impact on kennels with current licences issued by the City.

Because the changes to the by-law span the entire document, for clarity, staff are recommending that a new by-law be adopted rather than an amendment. The new by-law will be substantially the same as the previous by-law and will only include the changes outlined in this report.

Rationale:

Canine Day Boarding Facilities

As discussed in LIC2018-002 (attached as Appendix C), and in response to the direction from Council, Planning and Licensing staff researched the matter and determined that canine day boarding facilities are a commercial enterprise and therefore should be permitted on properties zoned for commercial use so long as they are licensed and appropriate noise attenuation measures, outdoor exercise areas, sewage management protocols, and other regulations are in place.

If adopted, the recommended amendments would allow for Canine Day Boarding Facilities on properties that are zoned for commercial or industrial use that list a “personal service” as a permitted use. The recommended licensing provisions are similar to that of other kennels and include a setback of 150 metres from residential dwelling units. Additional requirements for Canine Day Boarding Facilities include a fencing requirement to enclose all outdoor areas and the requirement to remove waste from the property daily to prevent offensive odors.

Definitions

In order to capture the new licensing provisions and to make clear the different types of kennels that are regulated by this by-law, the following changes were made to the definitions section of the by-law.

Old Definition (if applicable)	New Definition
"Aged Dogs"	Removed - does not appear in by-law
"Aggressive, dangerous, or vicious behaviour"	Removed - does not appear in by-law
"Boarding" means a temporary residence where an animal is housed	"Boarding Kennel" means a structure or part thereof in which dogs are boarded on a temporary basis for more than 10 consecutive hours for remuneration.
New Definition	"Breeding Kennel" means a structure or part thereof in which dogs are kept for the purposes of intentional breeding and sold for remuneration.
New Definition	"Broker" means any person or corporation that facilitates the sale of dogs or puppies for remuneration but does not include a breeding, boarding, working dog, or canine day boarding kennel.
New Definition	"Canine Day Boarding Facility" means a structure or part thereof in which dogs are house for a period not exceeding 10 consecutive hours and not overnight.
"City Facility"	Removed - does not appear in by-law
"Department Head"	Removed - does not appear in by-law
"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 B consecutive hours.	"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, Working Dog Kennel, Canine Day Boarding Facility, and Broker as defined within this by-law.
"Purebred"	Removed - does not appear in by-law
"Rabid"	Removed - does not appear in by-law
New Definition	"Working Dog Kennel" means a structure or other enclosure in which the owners personal dogs are housed

Old Definition (if applicable)	New Definition
	and such dogs are kept for the purposes of hunting or used as working dogs such as sled dogs.

Kennel Types

The kennel licensing by-law is understood to capture boarding, breeding, and working dog kennels. However, clear definitions of these types of kennels were never included in the by-law. Given that a definition and provisions for Canine Day Boarding Facilities are being recommended, clear definitions and provisions are recommended for the other types of kennel licences as well. There have been no changes to the licensing provisions or requirements for breeding, boarding, and working dog kennels and the by-law amendments will not have any impact on currently licensed kennel operators.

Broker Requirements

Over the past year, staff has received inquiries regarding brokers of puppies and dogs. Brokers operate by obtaining puppies and dogs from breeders and selling them on behalf of the breeder. The intent of the kennel licensing by-law is to ensure that puppies and dogs sold and cared for in our municipality are done so within the standards outlined by the Ontario Society for the Prevention of Cruelty To Animals (OSPCA) and by the by-law. Brokers may represent themselves as the breeders of the dogs and puppies when they are not. This is concerning to staff as it is likely the dogs are not coming from breeders licensed under this by-law or by-laws of neighbouring municipalities and may be coming from puppy mills. As such, it was recommended by the area OSPCA inspector that brokers be included in the licensing by-law with provisions that the puppies and dogs they sell must be sourced from kennels licensed by the City of Kawartha Lakes by-law or by another municipality.

Other Alternatives Considered:

Regarding the addition of Brokers to the by-law, allowing them to be unregulated is an option however staff feels it is an important add them to ensure that puppies and dogs that are sold in the municipality come from safe and humane breeders.

Financial/Operation Impacts:

N/A

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

N/A

Review of Accessibility Implications of any Development or Policy:

N/A

Consultations:

Manager of Municipal Law Enforcement
Manager of Planning
OSPCA Inspector

Attachments:



2018-XXX By-law to 2014-141 Licence,
Licence, Regulate, anRegulate, and Govern



LIC2018-002 Canine
Day Boarding.docx

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