

The Municipality Of West Perth

By-Law 17-2017

Being a By-law to Regulate the Licensing of the Keeping of Dogs within the Municipality of West Perth and to Regulate the Licensing of Dog Kennels within the Municipality of West Perth and to repeal By-law 026-2013

WHEREAS Section 9 and 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes a lower tier municipality to pass by-laws respecting animals;

AND WHEREAS section 9.(3) of the said Act provides that a by-law passed under section 11 may regulate or prohibit respecting a matter, provide for a system of licences, permits approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS Section 103 of the said Act confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the by-law under certain conditions;

AND WHEREAS Subsection 129(1) of the Act provides that a municipality may regulate with respect to noise.

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

1. Definitions:

- 1.1 *Canine Control Officer:* means a person appointed from time to time by the Council of the Municipality of West Perth to enforce the provisions of this By-law and includes any person, company or association who enters into a contract with the Municipality of West Perth to control dogs and maintain a dog pound.
- 1.2 *Boarding:* shall mean the taking in of domestic dogs for a period of time for capital gain.
- 1.3 *Boarding Kennel:* shall mean a kennel where more than four (4) and not more than twenty (20) dogs are housed or groomed and which kennel is licensed by the Municipality of West Perth under the provisions of this By-law.
- 1.4 *Breeding:* shall mean the generation of offspring resulting in quality of bloodlines as in purebred.
- 1.5 *Breeding Kennel:* shall mean any building, structure, dog run or other facility, or part thereof, where more than four (4) and not more than twenty (20) purebred dogs are kept for breeding, housing or selling purposes; the operator may or may not own the dogs which will be bred, housed or sold from the facility.
- 1.6 *By-law Enforcement Officer:* shall mean the person appointed by Council to administer the provisions of By-laws.
- 1.7 *Clerk:* shall mean the Clerk of the Corporation of the Municipality of West Perth.
- 1.8 *Council:* shall mean the Council of the Corporation of the Municipality of West Perth.
- 1.9 *Dog:* shall mean any member of the *species Canis familiaris* and shall include a male or female, spayed or neutered dog (of any age or breed).
- 1.10 *Guide Dog or Special Assistance Dog:* shall mean a dog, which serves as a guide, or leader for a physically, vision or hearing impaired person or performs search and/or rescue functions and which has been especially trained for that purpose.

- 1.11 *Hunting/Sporting/Sled Dog Kennel*: shall mean any building, structure dog run or other facility where dogs are kept solely for the purpose of routinely entering into dog sled or other sporting event; or hunting dogs are kept for hunting purposes, but does not include a veterinarian clinic.
- 1.12 *Kennel*: shall mean a separate establishment where more than four (4) and not more than twenty (20) dogs are housed, groomed, bred, boarded, trained or sold on a lot or parcel which complies with the Municipality of West Perth Zoning By-law No.100-1998.
- 1.13 *Licence*: shall mean a certificate permitting an owner to operate a Boarding Kennel, Breeding Kennel or Hunting/Sporting/Sled Dog Kennel, issued by the Licensing Officer upon compliance with the provisions of this By-law.
- 1.14 *Licensing Officer*: the Clerk or any other person(s) appointed by the Municipality for the purpose of administering and enforcing this By-law.
- 1.15 *Municipality*: shall mean the Corporation of the Municipality of West Perth.
- 1.16 *Owner*: shall mean any person, partnership, association or corporation who possesses or harbours a dog and “own”, “owns”, or “owned” have a corresponding meaning.
- 1.17 *Ontario Society for the Prevention of Cruelty to Animal (OSPCA)*: shall mean the Ontario Society for the Prevention of Cruelty to Animals or any local branch.
- 1.18 *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.
- 1.19 *Pound*: shall mean the place so designated by the Council of the Municipality of West Perth.
- 1.20 *Pound Fee*: includes any daily charge that may be collected by the operator of a pound.
- 1.21 *Puppy Mill*: shall mean a breeder who produces puppies quickly with profit as the motivating factor and conducts no breeding program. There is little attention to placement, care, health and socialization practices. A puppy mill may or may not be dirty and overcrowded and the dogs may be neglected or abused because the breeder cannot properly handle the large number of dogs.
- 1.22 *Purebred*: shall mean a dog registered with an association incorporated under the Animal Pedigree Act (Canada).
- 1.23 *Running at Large*: shall mean a dog that is not on the property of the owner and not on a leash and/or under the control of a person responsible.
- 1.24 *Schedule of Fees*: shall mean the Municipality’s Schedule of Tariff and Fees approved under the authority of By-law that is passed for this purpose.
- 1.25 *Treasurer*: shall mean the Treasurer of the Municipality of West Perth.
- 1.26 *Waste Management*: shall mean an approved method of collecting, storing and disposal of waste as set out in the Environmental Protection Act, R.S.O. 1990, as amended from time to time and the regulations contained therein.
- 1.27 *Zone*: shall mean a land use designation in a Zoning By-law passed under the provisions of The Planning Act.
- 1.28 *Zoning By-Law*: refers to the Municipality of West Perth Zoning By-law No. 100-1998, as amended.

PART 1 LICENSING OF DOGS WITHIN THE MUNICIPALITY OF WEST PERTH

2. Licensing and Fees for Domesticated Animals

- 2.1 Every owner of a dog or dogs kept within the corporate limits of the Municipality shall in each calendar year pay to the Licensing Officer, or to a Canine Control Officer of the Municipality, a Dog Tag fee as set out in the Municipality of West Perth Tariff of Fees By-law.
- 2.2 Within ten (10) days of the purchase of a dog or bringing a dog into the Municipality, the owner of the dog shall ensure that a current Dog Tag has been purchased from the Municipality.
- 2.3 On payment of the fee or fees, the owner shall be furnished with a Dog Tag for each dog. This dog tag shall be kept securely affixed to the dog at all times, unless actively engaged in hunting, showing or dog trials.
- 2.4 No person shall use a dog tag on any dog other than that dog for which the said tag was issued.
- 2.5 Exemptions:
 - a. Dogs whose primary function on the premises is to serve as a *Guide Dog* or *Special Assistance Dog* for a sight impaired or hearing impaired individual are exempt from the tagging provisions of the by-law. Such dogs are required to be registered in a registry kept by the Municipality.
- 2.6 The Municipality of West Perth does not provide a refund or part refund of Dog Tag fees in the event a dog dies or if the owner is no longer in possession of the dog.
- 2.7 In accordance with Section 5.24 (e) of the Municipality of West Perth Zoning By-law 100-1998 that 3 or fewer household pets will be permitted on one lot with an "Urban Zone (as defined in Section 3.161.2) and the keeping of 4 or fewer dogs on one lot with a "Rural Zone" (as defined in Section 3.161.1).

3. Animals at Large

- 3.1 No person shall allow a dog to run at large in the Municipality of West Perth.
- 3.2 An owner shall keep his dog under control at all times.
- 3.3 If the dog is secured by a tie-out, chain or tether, the dog shall not be within six (6) feet of the property line at the length of the tether.
- 3.4 A dog actively engaged in working and under the direct control of the owner shall not be deemed to be at large.
- 3.5 No person shall have a dog on public property within the Municipality of West Perth unless the dog is on a leash securely holding the dog from wandering freely. The maximum leash length permitted shall be eight (8) feet.
- 3.6 Any dog found running at large contrary to this by-law may be seized and impounded by an Canine Control Officer, By-law Officer, or Police Officer.
- 3.7 The Canine Control Officer, By-law Officer, or Police Officer may enter onto any public property, or private property without the consent of the owner or tenant, for the purpose of capturing any dog running at large.
- 3.8 Any person in possession or control of a dog shall not be permitted to take a dog into the area of Keterson Park, Mitchell Ward, as designated in Schedule C attached hereto and forming part of this By-law and where signs are erected at the site (*Guide Dog* or *Special Assistance Dog*), dogs participating in an event approved by Council exempted).

- 3.9 Any person in possession or in control of a dog shall not be permitted to take a dog into the Mitchell & District Arena and Community Centre unless by written agreement (*Guide Dog or Special Assistance Dog: exempted*).
- 3.10 Any person in possession or in control of a dog shall not be permitted to take a dog into the Lions Pavilion at the Lions Park in the Mitchell Ward when a function is underway (*Guide Dog or Special Assistance Dog: exempted*).
- 3.11 Any person in possession or in control of a dog shall not be permitted to take a dog on to any bleachers or other such public seating areas in the Municipality of West Perth (*Guide Dog or Special Assistance Dog: exempted*).

4. Impoundment

- 4.1 Where a dog has been seized and impounded by an Canine Control Officer or Police Officer or By-law Enforcement Officer, the owner has three (3) days from the time of impoundment to redeem the dog, by paying the required fees as established by the pound and the Municipality. The period of three (3) days shall be reckoned exclusive of the day on which the dog is seized, Saturdays, Sundays and statutory holidays.
- 4.2 Where a dog has been seized and impounded by an Canine Control Officer or Police Officer or By-law Enforcement Officer and the owner has not claimed the dog within three (3) days of seizure (as noted in Part 4.1, the dog may be disposed of in a humane manner as seen fit and the owner shall be liable for the payment of the pound fee, the boarding fee and any euthanasia and disposal fees as applicable and shall pay all fees on demand to the pound and/or Municipality of West Perth as applicable).
- 4.3 No dog shall be returned to the owner unless it has been licensed and registered in accordance with the provisions of Part I, Section 2 of this By-law.
- 4.4 When a dog is found running at large in the Municipality of West Perth and a danger exists to attempt seizure and/or the presence of a dog or the location in which it is found causes a danger or a nuisance, a person authorized to enforce the provisions of this By-law may terminate the dog or instruct another person to do so as safely and humanely as possible.

5. Dog Waste

- 5.1 The owner of a dog or person in control of a dog, except a guide dog, shall remove forthwith and dispose of in a sanitary manner excrement left by the dog anywhere in the Municipality, other than the premises of the owner of the dog.

PART II LICENSING OF KENNELS WITHIN THE MUNICIPALITY OF WEST PERTH

1. Kennel Application Requirements

- 1.1 No person shall operate or continue to operate a kennel without a valid licence.
- 1.2 Every owner/operator of a kennel shall apply for and pay a licence fee in accordance with the Tariff of Fees By-law.
- 1.3 Each kennel must conform to Section 6 of the Zoning By-law and no kennel, run, pen or exercise yard shall be erected contrary to the provisions of such By-law.

- 1.4 An application for a kennel licence or renewal in accordance with Schedule "A" shall be submitted, including a detailed site plan and the appropriate fee as per the Tariff and Fees By-law, to the Licensing Officer.
- 1.5 Any applications for a new kennel shall be subject to a circulation of 300 metres (984.25 feet) from the property boundary prior to a decision by the Licensing Officer as to whether or not a licence shall be granted.
- 1.6 No kennel shall typically be located within a minimum of 30 metres (98.43 feet) of any road allowance.
- 1.7 In accordance with By-law 100-1998 (permitted uses) of the Municipality (Zoning By-law), a kennel shall be located only in an Agricultural Zone (A), or Light Industrial Zone (M1).
- 1.8 All kennel licences shall be valid for a one year period within the calendar year.
- 1.9 Kennel licences shall only be issued by the Licensing Officer of the Municipality of West Perth.
- 1.10 Every owner/operator of a kennel existing at the time of the passage of this by-law shall comply with the standards for kennels contained in this by-law within six (6) months of the passing of this by-law.
- 1.11 No person shall keep more than twenty (20) breeding, boarding or hunting/sledding/sporting type dogs in a kennel operation.

2. Minimum Standards

- 2.1 All Kennels shall comply with the following minimum standards:
 - a. No dog shall be kept in unsanitary conditions including an accumulation of feces, odour, insect or rodent infestations;
 - b. The kennel building shall have floors and walls made of concrete or other impermeable material (including rigid plastic). Wire floors will not be permitted;
 - c. The floor of the kennel building shall be drained immediately after water is present. No water may sit on the floor of a kennel building. Any new kennel structure is required to install a self-drain with a maximum five (5) minute drain time;
 - d. The yards and runways associated with kennel operations shall have adequate shelter and protection from the elements.
 - e. Every kennel shall be properly equipped with accessible fresh water and adequate feed in stainless steel, clean and properly-sized dishes to maintain dogs in a healthy condition;
 - f. Dishes shall be raised off the floor a minimum of 2 inches to prevent the infiltration of bedding or excrement in the food or water. An exception shall be made in the case of whelping areas where there are unweaned puppies;
 - g. Every kennel shall be provided with adequate natural light, proper ventilation and sufficient heat to maintain healthy conditions specific to the breed of dog being housed;
 - h. Every kennel shall be constructed to provide the following pen minimum space per dog or sufficient room to permit the dog confined therein to stand normally to its full height, turn around easily and lie down in a fully extended position, whichever is greatest:
 - i. Up to 12 kgs 1.0 square meter per dog
 - ii. 12-30 kgs 2.0 square metres per dog
 - iii. 30-50 kgs 2.5 square metres per dog
 - iv. Over 50 kgs 3.0 square metres per dog
- 2.2 Group housing is suitable provided that the following regulations apply in addition to the regulations in Part II, Section 8:

- a. Any dog exhibiting vicious behavior or dominance aggression is housed separately;
- b. A dog under treatment for a communicable disease or suspected of harbouring a communicable disease is housed separately;
- c. Newly acquired dogs are isolated before full integration into group housing.

3. Record Keeping Requirements for Breeding Kennels

- 3.1 Every owner of a licensed Breeding Kennel shall maintain records with the following minimum information:
 - a. Dates of arrival and departure of all individual dogs.
 - a. Breeding and identification records of all whelping bitches and stud dogs and the results of litters;
 - b. Age and breed of all dogs kept and sold;
 - c. Names and addresses of the purchasers of individual dogs

4. Breeding Kennel Conditions

- 4.1 Every Breeding Kennel shall maintain the whelping bitch in a separate accommodation from the balance of the dogs in the kennel.
- 4.2 The whelping box shall be constructed with four sides and a floor made from impermeable materials.
- 4.3 Adequate supplemental heat shall be provided at all times.
- 4.4 All breeding kennels shall provide sufficient designated space for the proper enrichment and socializing of puppies to be offered for sale.

5. Breeding Kennel Application Requirements

- 5.1 Every Owner applying for a Licence for a Breeding Kennel shall annually submit the following documentation to the Licensing Officer:
 - a. in the case of a Breeding Kennel all dogs must be or able to be registered as pure-bred dogs and owners must provide proof of active membership in the Canadian Kennel Club or any other Association incorporated under the Animal Pedigree Act (Canada); and
 - b. in all cases, written clearance from the OSPCA, a veterinarian or the By-law Enforcement Officer, assuring compliance with Part II, Section 9 of this By-law, with any associated costs borne by the applicant; and
 - c. in all cases, a site plan drawn to scale, as set out in Schedule A, 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, structures, dog runs and facilities from all property lines and all buildings, including any residential buildings situated on the adjacent properties; and
 - d. in all cases, a list of all dogs to be kept at the subject property, including both purebreds and non-purebreds, noting verification of current rabies vaccination for each dog (except where there is proof that they are under 3 months of age); and
 - e. as applicable, the Annual Breeding Kennel Licence Fee as set out in the Municipal Tariff and Fees By-law; and
 - f. 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; and
 - g. Proof of insurance by way of a Certificate of Insurance showing a minimum limit of \$2,000,000 (Two Million Dollars) in Commercial General Liability; and
 - h. Clearance from the Municipality of West Perth Building Department, which is responsible for septic system approvals and/or sewage system approvals. Such

clearance is required for the initial licence issued to a Kennel and is not required for any annual renewal.

6. Boarding Kennel Application Requirements

- 6.1 Every owner applying for a Licence for a Boarding Kennel annually shall submit the following documentation:
- a. in all cases, a record of all dogs kept at the subject property, noting verification of current rabies vaccination for each dog (except where there is proof that they are under 3 months of age), addresses and names of owners and any applicable information;
 - b. written clearance from the OSPCA, a veterinarian or the By-law Enforcement Officer, assuring compliance with Part II, Section 9 of this By-law, with any associated costs borne by the applicant; and
 - c. a site plan drawn to scale, as set out in Schedule A, 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 also specify the distance which separates the Kennel from all property lines and all buildings, including any residential buildings situated on the adjacent properties; and
 - d. as applicable, the Annual Boarding Kennel Licence Fee Tariff and Fees By-law; and
 - e. 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; and
 - f. proof of insurance by way of a Certificate of Insurance showing a minimum limit of \$2,000,000 (Two Million Dollars) in Commercial General Liability; and
 - g. clearance from the Municipality of West Building Department, which is responsible for septic system approvals and/or sewage system approvals. Such clearance is required for the initial licence issued to a Kennel and is not required for any annual renewal.

7. Hunting/Sporting Kennel Application Requirements

- 7.1 In the case of a Kennel for sled dogs, proof of active participation or registration in dog sled or similar races within the previous or upcoming twelve (12) months as may be deemed acceptable by the Licensing Officer; or
- 7.2 In the case of a Kennel for hunting or sporting dogs, proof of active membership in an Association incorporated under the Animal Pedigree Act (Canada) for registered hunting dogs; or proof of active membership in an Association for the purpose of Hunting Dog Training or Trailing; or a Hunting Dog Licence for each dog issued by the Ministry of Natural Resources within the previous twelve (12) months; or such other proof of active participation or registration in hunting activities within the previous or upcoming twelve (12) months as may be deemed acceptable by the Licensing Officer; and
- 7.3 Written clearance from the OSPCA, a veterinarian or the By-law Enforcement Officer, assuring compliance Part II, Section 9 of this By-law, with any associated costs borne by the applicant;
- 7.4 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 also specify the distance which separates the Kennel from all property lines and all buildings, including any residential buildings situated on the adjacent properties; and
- 7.5 Annual Hunting /Sporting and Dog Sled Kennel Licence fee as set out in the Tariff and Fees By-law;
- 7.6 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; and

- 7.7 Proof of insurance by way of a Certificate of Insurance showing a minimum limit of \$2,000,000.00 (Two Million Dollars) in Commercial General Liability; and
- 7.8 Clearance from the Municipality of West Perth Building Department, which is responsible for septic system approvals and/or sewage system approvals. Such clearance is required for the initial licence issued to a Kennel and is not required for any annual renewal.

8. Confinement and Control of Domestic Canines

- 8.1 All dogs shall be confined inside the Kennel during the hours of 10:00 p.m. to 7:00 a.m.
- 8.2 The Owner of a Kennel shall maintain control of all dogs under his/her care at all times.
- 8.3 The Owner of a Kennel shall maintain compliance with applicable Municipal By-laws at all times.

9. Complaints

- 9.1 In the event that a complaint is received by the Municipality that the Owner is not in compliance with the Minimum Standards set out in Part II, Sections 5, 6 or 7 of this By-law:
- a. the By-law Enforcement Officer shall be directed to investigate the matter and report to the Licensing Officer.
 - b. Upon receipt of the By-law Enforcement Officer's Report, the Municipality may request, at the Owner's expense, that the OSPCA or Veterinarian re-inspect and provide an up-to-date approval in accordance with Part II, Section 8 of this By-law.
 - c. In the event that the Owner is found in contravention to environmental laws pertaining to the disposal of waste, the By-law Enforcement Officer may take whatever action is deemed appropriate under the provisions of the applicable by-law.
 - d. In the event that the Owner is unable or unwilling to obtain an up-to-date approval from the OSPCA or Veterinarian, or the Municipality of West Perth Building Department which is responsible for septic system and/or sewage system approvals, where applicable, the Officer shall commence proceedings to revoke the Licence under Part II, Section 16 of this By-law.
 - e. In the event that a complaint is received by the Municipality that the Owner is not in compliance with the Confinement and Control provisions set out in Part II, Section 8 of this By-law: the By-law Enforcement Officer shall be directed to investigate the matter and complete a report to be filed with the Licensing Officer.
 - f. In the event that the Owner is found in contravention of Part II, Section 2 of this By-law or Zoning Bylaw, the Officer may take whatever action is deemed appropriate under the provisions of the applicable by-law.
 - g. In the event that the Owner is unable or unwilling to comply with the provisions of this By-Law, the By-law Enforcement Officer shall commence proceedings to revoke the Licence under Part II, Section 10 of this By-law.

10. Revocation of Licence

- 10.1 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.
- 10.2 After having given notice in writing, the Municipality may, at any time, revoke a Kennel Licence when it is of the Licensing Officers opinion that the continued operation of a Kennel

is not in the best interest of the Municipality. Such grounds for cancellation may include unresolved problems of noise, sanitation, care of dogs or uses other than permitted by the Kennel Licence.

- 10.3 The written notice shall be delivered in person or mailed by prepaid registered mail to the registered owner of the kennel.
- 10.4 Prior to the revocation of the Licence, the By-law Enforcement Officer shall give Notice in writing to the Owner by regular mail or personal delivery and the Owner may apply for a hearing to the Licensing Officer within ten (10) days from the date of the notice, following the same procedures as set out in Section 10.8.
- 10.5 Upon receipt of a request for a hearing, the Licensing Officer shall arrange for such and give Notice of the date, time and location of the hearing shall be given to the Owner in writing by regular mail or personal delivery not less than seven (7) days prior to the hearing.
- 10.6 The Licensing Officer shall review the application for a Licence together with the By-Law Enforcement Officer's reasons for revocation and/or recommendations for conditions to be placed on any Licence and shall hear the Owner or Agent's verbal or written submissions as to how the application fulfils the requirements of this By-law.
- 10.7 The Licensing Officer may, in rendering its decision, place special conditions on the Licence.
- 10.8 The Licensing Officer shall give written Notice of their decision to the Owner in writing by regular mail or personal delivery within ten (10) days of the decision.
- 10.9 The Licensing Officer's decision shall be final and not subject to further review.

11. Kennel Inspections/Posting of Licence

- 11.1 Every person who holds a kennel licence or the owner/operator of the kennel shall, at all reasonable hours, be open to inspection by the Municipality's Canine Control Officer and/or the By-law Enforcement Officer, Ontario Society for the Prevention of Cruelty to Animals, Police Officer, or any such other person trained in the area of disease control and sanitation as may be appointed by Council, or any other person authorized to do so under any Provincial or Federal Legislation.
- 11.2 Every person who holds a kennel licence or the owner/operator of the kennel shall keep the licence posted in a conspicuous place on the premises and shall, when so requested by any person authorized by the Municipality produce such licence for inspection.

12. Miscellaneous Matters

- 12.1 The Municipality, its agents, Canine Control Officer shall not be liable for damages or compensation for any dog injured or killed under the provisions of this By-law and no such damages or compensation shall be paid to any person.
- 12.2 No owner or occupier of said kennel shall keep more than twenty (20) dogs on any one property. The provisions of this section do not apply to:
- a. an animal hospital or veterinary clinic;
 - b. a pet store;
 - c. an Ontario Humane Society shelter or the Pound designated by this By-law;
- 12.3 The owner of a dog shall not permit such dog to make any clearly audible noise which is likely to disturb the inhabitants of the Municipality.
- 12.4 A Canine Control Officer, Police Officer or By-law Enforcement Officer may seize any dog that is being neglected, is sick or has suffered serious injury, or represents

a threat to the safety of persons or animals and may order its termination without delay and without the owner's permission by reason of the said dog being suspected rabid, or unduly suffering, or for reasons of safety to persons or animals. No damage or compensation shall be recovered on account of its termination, or other disposition.

- 12.5 Upon the issuance of a Kennel Licence under this By-law, the Owner shall be exempt from the purchase of dog tags under Part I, Section 2 of this By-law.
- 12.4 The three (3) dog limit in an urban zone and four (4) dog limit in a rural zone shall apply where the dog is a domestic pet and is not belonging to a kennel for the purposes of breeding, boarding or sporting/hunting.

13. Administration, Enforcement and Inspections

- 13.1 This By-law shall be administered by the Licensing Officer of the Municipality of West Perth or such other person or persons as Council may appoint.
- 13.2 This By-law shall be enforced by the By-law Enforcement Officer, or any other Officer appointed by Council for that purpose, as defined herein or such other person or persons as the Council may appoint.
- 13.3 An Officer under this By-law:
- a. has the power to enter upon and examine any building, structure, run or facility, or part thereof, used for a Breeding, Boarding or Hunting/Sporting/Sled Dog Kennel purposes at any reasonable time or times; and
 - b. may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this By-law.

14. Offences

- 14.1 Every person who:
- a. hinders, disturbs, or obstructs any Officer in the carrying out of their duties under this By-law, or;
 - b. contravenes any provision of this By-law is guilty of an offence and subject to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990, P. 33 as amended.
- 14.2 The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to prosecution against the same offender upon any continued or subsequent breach of any provisions of the Municipal Act, 2001, R.S.O., as amended from time to time.

15. Voluntary Payment of Penalties

- 15.1 Notwithstanding any other provisions of the Part in respect to penalties for a violation of the provisions of this By-law, any person, upon presentation of a certificate of offence issued by a Police Officer or By-law Enforcement Officer alleging commission of any offences under this By-law set out in Schedule "B" may, pay out of Court within the time limit specified on the said infraction notice, the penalty set out for such offences as indicated in Schedule "B" to this By-law. Upon such payment no further proceedings shall be taken under this By-law in respect to the said alleged offence.
- 15.2 If voluntary payment is not made in accordance with the procedure provided in Section 15.1 of this Part, the procedures of the Provincial Offences Act, or any successors thereof, shall apply.
- 15.3 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, such

provisions shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect

16. Miscellaneous

16.1 Where the context permits, words imparting the singular member of or the masculine gender, also include more than one persons, parties or things of the same kind than one and female as well as male.

16.2 This By-law may be cited as the Canine Control and Kennel By-law.

17. Enactment

17.1 This By-law shall come into effect upon the final passing thereof.

17.2 This By-law repeals By-law 026-2013.

Read a first and second time this 27th day of February, 2017.

Read a third time and finally passed this 27th day of February, 2017.

Mayor Walter McKenzie

Interim Clerk Susan Duke

Schedule "A"
The Corporation of the Municipality of West Perth
Kennel Licence Application

New application Renewal

Check one of the following:

- Hunting/sporting/dog sled**
- Breeding**
- Boarding**

Mandatory attachments to this application must include:

- Site Plan
- Certificate of Insurance showing a minimum limit of \$2,000,000.00 (two million dollars) in Commercial General Liability.
- Clearance from By-law Enforcement Officer
- Proof of current rabies vaccination for each dog
- For Breeding Kennel Licence-Canadian Kennel Club Membership or registration details from an Association incorporated under the Animal Pedigree Act (Canada)
- Sworn Declaration by the owner that the kennel owner/operator has never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty
- Clearance from the Municipality of West Perth Building Department in respect to septic system approvals and/or sewage system approvals (for the initial licence issued).
- Any other specific information or documentation as required by this By-law or the Licensing Officer.

***Owner:** only the registered owner of the property may apply for a Kennel Licence

Name: _____

Mailing Address: _____ Box No. _____

Municipal Address: _____

Property Roll No.: _____

Phone (W): _____ (H): _____

If owner is a Corporation: _____

Name of all shareholders: _____

Address: _____ % of Shares _____

Legal description of property on which Kennel/Boarding Facility is to be operated:

Lot: _____ Con.: _____ 911 No: _____ Road/Line: _____ Ward: _____

Professional affiliation of owner (or operator)

Canadian Kennel Club: yes no CKC No.: _____

Kennel Name: _____

Other: _____ Association: _____

(specify): _____

Name *Use separate sheet for additional dogs	Breed	Age	CKC or other registration CK	Proof of Current Rabies Attached

Page 2 of Kennel Licence Application Form

I hereby certify that records kept in accordance with Part II Section 5 and Section 6 of the current By-law 17-2017, are available for review by the Licensing or By-law Enforcement Officer at any time. I hereby certify that the information given in this application is accurate and complete to the best of my knowledge.

Signature

Owner of property

Date

Signature

Occupier of premises

Page 3 of Kennel Licence Application Form

Renewal of kennel licence only:

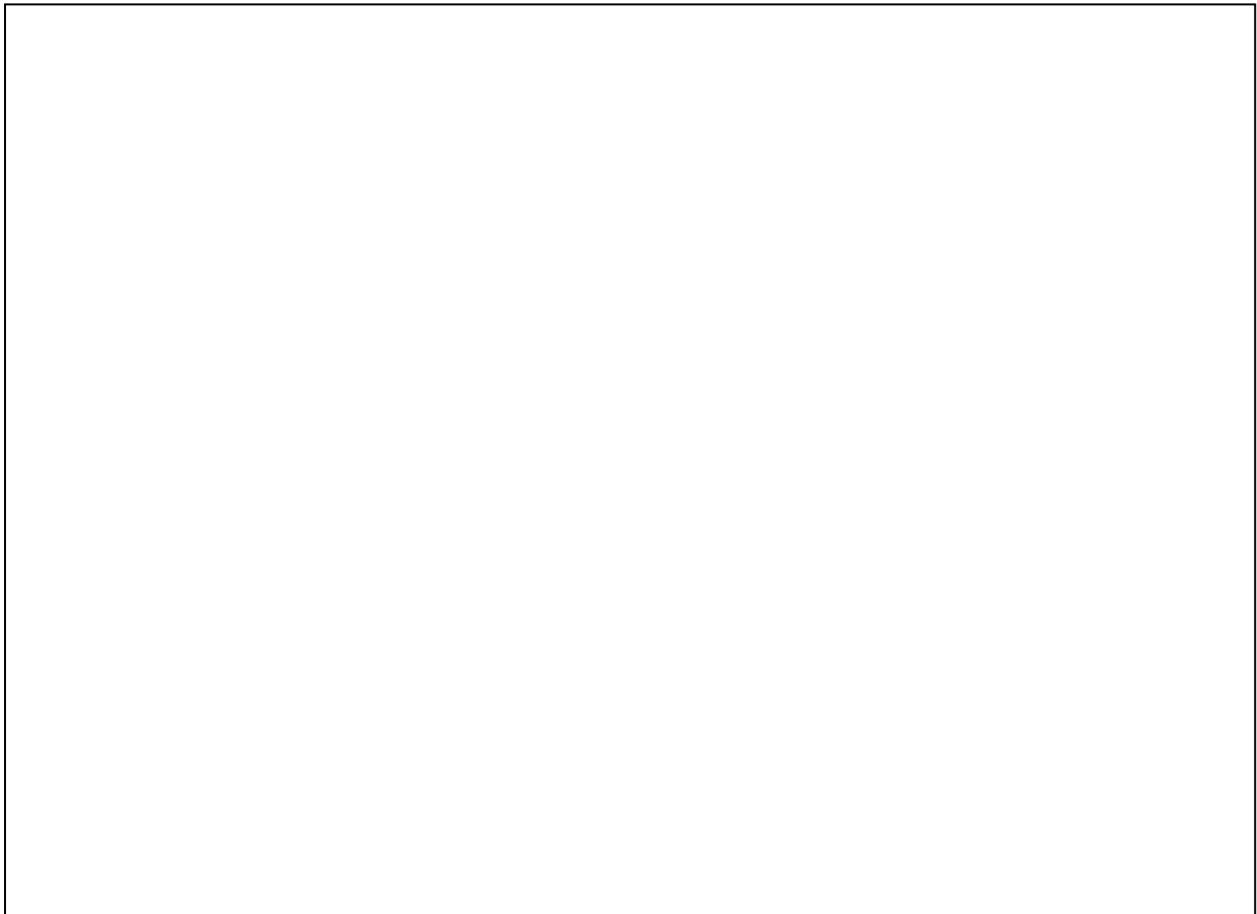
Changes to the Kennel Site Plan, apply in writing to the By-law Office for approval of any changes that would alter the Site Plan on file.

New kennel licence: complete the following Kennel Site Plan.

Diagram of premises and surrounding area showing:

1. Location of buildings;
2. Dog runs or facilities to be used by Boarding Facility;
3. Neighbouring buildings within 300 metres (984.25 feet).

Distances must be shown



Kennels are only permitted in the Agricultural Zone and the Light Industrial Zone within the Municipality of West Perth. New Kennels and additions to existing kennels must be located at a distance of not less than 150 metres (492.12 feet) from a dwelling or commercial, industrial, institutional and park and recreation uses situated on adjacent lots and must be located at a distance of not less than 300 metres (984.25 feet) from land zoned in a Residential, Hamlet/Village Zone as per Zoning By-law, Section 6.9.

**Corporation of the Municipality of West Perth
Bylaw 17-2017
Keeping of Dogs
Part I Provincial Offences Act
Schedule B**

Item	Short form wording	Provisions creating or defining offense	Set fine
1.	Own, keep or harbor unlicensed dog.	Part I Section 2 (2.1)	\$150.00
2.	Owner-permit dog to run at large.	Part I Section 3 (3.1)	\$150.00
3.	Permit dog to wander freely.	Part I Section 3 (3.5)	\$150.00
4.	Permit dog in Keterson Park.	Part I Section 3 (3.8)	\$300.00
5.	Permit dog in Mitchell and District Arena and Community Centre.	Part I Section 3 (3.9)	\$300.00
6.	Permit dog in Lions Pavilion at Lions Park.	Part I Section 3 (3.10)	\$300.00
7.	Permit dog on bleacher or public seating.	Part I Section 3 (3.11)	\$300.00
8.	Fail to remove dog waste.	Part I Section 5 (5.1)	\$150.00
9.	Own, operate or continue to operate a kennel without a valid licence	Part II Section 1 (1.1)	\$500.00 (as ordered July 19, 2016)
10.	Dog kept in unsanitary conditions	Part II Section 2 (2.1) (a.)	\$300.00 (as ordered July 19, 2016)
11.	Fail to equipped with accessible/adequate fresh water and feed	Part II Section 2 (2.1) (e.)	\$300.00 (as ordered July 19, 2016)
12.	Fail to provided adequate natural light, proper ventilation or sufficient heat	Part II Section 2 (2.1) (g.)	\$300.00 (as ordered July 19, 2016)
13.	Fail to provide minimum space per dog	Part II Section 2 (2.2) (h)	\$300.00 (as ordered July 19, 2016)
14.	Fail to house aggressive dog separately.	Part II Section 2 (2.2) (a.)	\$300.00 (as ordered July 19, 2016)
15.	Fail to house dog with communicable disease separately	Part II Section 2 (2.2) (b)	\$300.00 (as ordered July 19, 2016)
16..	Fail to isolate new dog	Part II Section 2 (2.2) (c)	\$300.00 (as ordered July 19, 2016)
17.	Fail to maintain records.	Part II Section 3 (3.1)	\$300.00
18.	Fail to confine dog between 10:00 p.m. and 7:00 a.m.	Part II Section 8 (8.1)	\$300.00
19.	Fail to maintain control of dog.	Part II Section 8 (8.2)	\$300.00

NOTE:

The general penalty provision for the offenses listed above is Section 14.1 (b) of By-law 17-2017 a certified copy of which is has been filed.

**By-law No. 026-2013
Schedule C**

