

# THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

## BY-LAW NUMBER 024-2021

A by-law to control, license, register and regulate  
Dogs and Kennels within the Township of Puslinch  
and to repeal By-law 8/99 and 33/05

**WHEREAS** section 11 (2), paragraph 6 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (hereinafter called the "Act") authorizes a municipality to pass a by-law respecting the health, safety and well-being of persons;

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

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

**AND WHEREAS** section 8 (3) of the Act authorizes a municipality to provide for a system of Licenses with respect to dogs;

**AND WHEREAS** section 23.1 of the Act authorizes a municipality to delegate its powers and duties;

**AND WHEREAS** the Council of the Corporation of the Township of Puslinch deems it necessary and expedient to regulate the keeping of dogs and the establishment and operation of dog kennels in the Township of Puslinch;

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

### 1. INTERPRETATION

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

**BOARDING:** shall mean the taking in of domestic dog for a period of time for capital gain;

**BOARDING KENNEL:** shall mean any building, structure, dog run or facility, or part thereof, used for the boarding (for hire), grooming, showing, training or temporary housing of more than one (1) dog, but does not include a veterinarian clinic;

**BREEDING:** shall mean the generating of canine offspring;

**BREEDING KENNEL:** shall mean any building, structure, dog run or facility, or part thereof, where more than two (2) dogs are kept for the purposes of breeding, housing or selling;

**CLERK:** shall mean the Clerk for the Township or any person designated by the Clerk;

**COUNCIL:** shall mean the Council of The Corporation of the Township of Puslinch;

**DOG:** shall mean any member of the species *canis familiaris* or hybrid thereof and shall include a male or female, spayed, neutered or intact dog (of any age or breed);

**DWELLING UNIT:** shall mean a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities;

**GOOD STANDING:** shall mean a Kennel that complies with all requirements of this By-law and all other Township By-laws, has up to date License, and has resolved any outstanding verified complaints at the time of License application;

**HARBOUR or HARBOURED:** shall include keeping or possessing for any period of time, whether temporary or not;

**KEEP or KEPT:** shall include harbouring or possessing for any period of time, whether temporary or not;

**KENNEL:** shall mean any building, structure, dog run or facility or part thereof where more than three (3) dogs are housed, groomed, bred, boarded, trained or sold, and includes a BOARDING KENNEL, BREEDING KENNEL, and RETIRING KENNEL, but does not include a veterinarian clinic;

**LEASH:** shall mean a leash, chain, rope, cord, chain or other similar device, which is used, designed and capable of being held by a person and is used and designed to restrain a dog;

**LICENSE:** shall mean a License issued by the Township permitting an Owner to operate a Kennel;

**LICENSEE:** shall mean a person issued a kennel License pursuant to this By-law;

**MUNICIPAL LAW ENFORCEMENT OFFICER (or "MLEO"):** shall mean a person appointed by Council to enforce the by-laws of the Township pursuant to section 15 of the *Police Services Act*, R.S.O. 1990, c. P. 15, as amended;

**OFFICER:** shall mean a dog control officer, a pound keeper and its employees, the Ontario SPCA Officers, Animal Welfare Inspectors appointed under the *Provincial Animal Welfare Services Act, 2019*, police officer, MLEO, the Medical Health Officer or other person appointed by by-law to enforce the provisions of this By-law;

**ONTARIO SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (or “OSPCA”):** shall mean the Ontario Society for the Prevention of Cruelty to Animals or any local branch;

**OWNER:** shall mean the person who is the registered owner of the property on which a Kennel is located;

**PERSON:** shall include an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

**POLICE WORK DOG:** shall mean a dog trained, or training, for and engaged in law enforcement by any Federal, Provincial or municipal government or government agency;

**POUND:** shall mean any premise or facility or part thereof used by the Township for the temporary housing or boarding of dogs that have been impounded pursuant to this By-law;

**POUND KEEPER:** shall mean any person or organization retained by the Township to provide pound services;

**PROPERTY:** shall mean a parcel of land which is capable of being legally conveyed;

**PUREBRED:** shall mean a dog registered or eligible for registration with an Association incorporated under the *Dog Pedigree Act (Canada)*;

**REGISTRATION or REGISTERED:** shall means a record of ownership and of the keeping of a dog pursuant to this By-law;

**RETIRING KENNEL:** shall mean a formerly licensed BREEDING KENNEL that meets the criteria in Sections 11.19 to 11.23 of this By-law

**SCHEDULE OF FEES:** shall mean the Township’s User Fees and Charges By-Law, as amended from time to time;

**SERVICE DOG:** shall mean a dog trained to assist the visually impaired and a dog guide working with a person with a physical or mental disability or a medical condition;

TAG: shall mean a tag issued by the Township permitting the Keeping or Harboring of a dog within the Township;

TREASURER: shall mean the Treasurer of the Township;

TOWNSHIP: shall mean The Corporation of the Township of Puslinch;

VETERINARY CLINIC: shall mean a building where dogs are diagnosed and treated for illness by a registered veterinarian, and where such dogs can be temporarily housed within the clinic, and includes accessory services such as grooming, but does not include a commercial kennel as defined in the Township's Zoning By-law;

ZONE: shall mean a land use designation as indicated in the Township's Zoning By-law(s) passed pursuant to the provisions of the *Planning Act*.

## **2. APPLICATION AND GENERAL PROVISIONS**

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

2.2. No Person shall Keep or Harbour or permit to be Kept or Harboured at any one time, more than three (3) Dogs per Dwelling Unit to a maximum of 5 Dogs per Property.

2.3. Section 2.2 does not apply to

2.3.1. A Pound;

2.3.2. The Owner of:

2.3.2.1. A Kennel with a valid License issued pursuant to this By-law

2.3.2.2. A Veterinary Clinic

2.3.2.3. A Shelter operated by a branch or affiliate of the Ontario SPCA or Humane Society; and,

2.3.2.4. A facility registered as a research facility in accordance with the *Dogs for Research Act*, R.S.O. 1990, c. A. 22, as amended;

2.4. No Person shall own or Keep or Harbour a Dog without a current valid Dog Tag.

2.5. An Owner of a Dog shall keep the Tag issued by the Township securely fixed on the Dog for which it was issued at all times.

2.6. No Person shall:

2.6.1. affix a Tag to any Dog other than the Dog for which it was issued; or

2.6.2. remove a Tag except to replace it with a current or valid Tag.

### **3. LICENSES, TAGS AND REGISTRATION (GENERAL)**

- 3.1. The Clerk or his/her delegate is hereby delegated authority to issue Licenses and Tags in accordance with the provisions of this By-law.
- 3.2. The Clerk or his/her delegate is hereby delegated authority to impose additional terms and conditions to a Kennel License that in his/her opinion are reasonable and taking into consideration:
  - 3.2.1. the health, safety and well-being of Persons and Dogs;
  - 3.2.2. the impact on a neighbouring Property or neighbouring Property Owner.
- 3.3. A Tag automatically expires and becomes null and void upon the sale, death or other disposal of a Dog to which such Tag applies.
- 3.4. A Tag or License issued by the Township is non-refundable.
- 3.5. A Tag or License issued pursuant to this By-law is valid for one year from the date it is issued.
- 3.6. A Licensee shall notify the Township within fifteen (15) days of any changes to the:
  - 3.6.1. business name;
  - 3.6.2. location of the business premises;
  - 3.6.3. ownership of the businessand such changes shall be subject to submission of the necessary documentation to the Township.
- 3.7. A Licensee shall display a License in a conspicuous place on the Licensed Property visible to the public at all times.
- 3.8. A Licensee shall be responsible for the act(s) and omission(s) of its employees, representatives and agents in the carrying on of the business in the same manner and to the same extent as though the Licensee did the act(s) or omission(s).
- 3.9. Any record required by this By-law shall be produced by the Licensee upon request of an Officer.

### **4. APPLICATION FOR DOG TAG**

- 4.1. An Owner of a Dog shall obtain a Dog Tag from the Township within ten (10) days of taking possession of the Dog and annually thereafter.
- 4.2. An Owner of a Dog making an application for a Dog Tag shall submit:

- 4.2.1. a complete application in the form provided by the Township;
  - 4.2.2. when required by the Township, a certificate signed by a practicing veterinarian that the Dog has been inoculated with an anti-rabies vaccine;
  - 4.2.3. the required Tag fee in accordance with the Township's User Fees and Charges By-law, as amended.
- 4.3. A Dog Tag shall be issued where the Clerk or his/her delegate is satisfied that the requirements of this By-law have been met.
- 4.4. An Owner of a Dog may obtain a replacement Dog Tag upon re-payment of the Tag Fee.

## **5. DOGS AT LARGE**

- 5.1. No Person shall permit a Dog to be at large in the Township.
- 5.2. A Dog is deemed to be running at large if found in any place other than the Property of the Owner of the Dog and the Dog is not on a Leash and under the control of a Person capable of handling the Dog when it is on Property other than that of the Owner, unless prior consent is given by the Person owning the Property on which the Dog is found.
- 5.3. Sections 5.1 and 5.2 of this By-law shall not apply to a:
- 5.3.1. Police Work Dog, or a Service Dog while actively engaged in the performance of its trained duties;
- 5.4. The Owner of a Dog shall remove forthwith any excrement left by a Dog on any public property or private property other than the Owner's property and shall provide for the sanitary disposal of such excrement.

## **6. IMPOUNDMENT**

- 6.1. An Officer may seize and impound a Dog found running at large and may apprehend a Dog.
- 6.2. Where the Owner of a Dog is known, the Pound Keeper shall make reasonable efforts to notify the Owner that the Dog has been impounded.
- 6.3. Where a Dog is seized and impounded, the Pound Keeper shall return it to the Owner provided that:
- 6.3.1. the Owner claims possession of the Dog within ten (10) days

(excluding Sundays and holidays) after the date of seizure; and

- 6.3.2. the Dog can be lawfully returned; and
  - 6.3.3. upon payment of any applicable Licensing or Tag fees; and
  - 6.3.4. upon payment of the Pound and boarding fees.
- 6.4. The Owner of a Dog impounded, if known, whether or not the Dog is claimed by the Owner from the Pound, shall be liable for the payment of the Pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand to the Township's Pound Keeper.
- 6.5. Where at the end of ten (10) days excluding Sundays and holidays a Dog has not been returned to the Owner, the Pound Keeper may dispose of the Dog in accordance with the provisions of the *Animals for Research Act, R.S.O. 1990, c. A. 22*, as amended.
- 6.6. All monies received for the sale or adoption of unclaimed Dogs shall become the property of the Township.

## **7. DOG KENNELS – LICENSING**

- 7.1. No Person shall own, operate, manage, control or supervise a Kennel on any Property within the Township without a License.
- 7.2. Only an Owner may apply for and be issued a License. A License issued to an Owner is not transferable.
- 7.3. Every Owner:
- 7.3.1. who applies for a License shall do so, in writing, on the form prescribed by the Township; and
  - 7.3.2. shall be responsible for paying the Township's actual costs in relation to the administration or enforcement of this By-law for their Kennel as well as for paying all applicable fees, as required by the Schedule of Fees.
- 7.4. Kennels shall at all times comply with, and shall only be permitted in accordance with, the Township's Zoning By-law, as amended.
- 7.5. A Kennel shall have a maximum of twenty-five (25) Dogs at any one time. Kennels that lawfully existed at the time of original adoption of this By-law and that had more than 25 Dogs shall be permitted to continue operating so long as the License remains in Good Standing and is re-applied for each

year without any discontinuance of operations, but such operations shall not be permitted to expand.

- 7.6. Every Owner of a Breeding Kennel shall keep a list of all Dogs currently being 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 4 months of age). This list shall be kept current at all times and shall be produced to any Township employee or inspector upon demand;
- 7.7. Every Owner of a Boarding Kennel shall at all times keep a list of all Dogs currently boarded, including verification of rabies vaccination for each Dog. This list shall be kept current at all times and shall be produced to any Township employee or inspector upon demand;
- 7.8. Every License shall expire on the 1<sup>st</sup> day of February in the year succeeding the date of issue, and every application for renewal of a License shall be submitted to the Township on or before that same date.

## **8. DOG KENNELS – LICENSE APPLICATIONS REQUIREMENTS**

- 8.1. Every Owner applying for a License shall, on or before the 1<sup>st</sup> day of February of each year, submit the following to the Township:
  - 8.1.1. written clearance from the OSPCA or a veterinarian assuring compliance with Sections 11.3 to 11.6, inclusive, of this By-law, with any associated costs borne by the Owner;
  - 8.1.2. upon in initial application for a license, or where any change is proposed to an existing licensed kennel, a site plan drawn to scale showing the location of all buildings, structures, dog runs or facilities on the subject property, including the location of all buildings, structures, dog runs or facilities, or parts thereof, to be used as a Kennel. The site plan must also specify the distance which separates the Kennel from all property lines and all buildings, structures, dog runs or facilities, including any residential buildings situated on adjacent properties;
  - 8.1.3. in the case of Breeding Kennels, a list of all Dogs currently being 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 4 months of age);
  - 8.1.4. the applicable fees, as required by the Township's Fees and Charges By-law, as amended;



- 8.1.5. a sworn declaration by the Owner that (s)he has never been convicted under Section 446 of the Criminal Code of Canada pertaining to animal cruelty or an offence under the *Ontario Society for the Prevention of Cruelty to Animals Act, the Provincial Animal Welfare Services Act, 2019, or the Dog Owners' Liability Act, ;*
  - 8.1.6. 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;
  - 8.1.7. a floor plan drawn to scale (min. 1:64 (3/16" = 1'-0")) of any building, structure, dog run, or facility being used for the housing of Dogs. The floor plan must graphically indicate the area being used for a Kennel including pens, dog runs, walkways, exits, fire extinguishers, etc. The plans shall be fully dimensioned and labelled.
  - 8.1.8. a nutrient management plan demonstrating how Dog excrement will be handled and disposed of.
  - 8.1.9. in the discretion of the Township, in the case of a new Kennel or an expansion (either in area or in number of Dogs), a noise study from a qualified acoustical consultant demonstrating that predicted noise will not cause exceedances of environmental noise guidelines from stationary sources as published by the Ministry of the Environment, Conservation and Parks from time to time.
- 8.2. in the case of a new Kennel or an expansion (either in area or in number of Dogs), a site inspection shall be required within 30 days of the issuance of the license to confirm that the Kennel was constructed in accordance with the site plan and meets all other requirements of this By-law. Failure by the Owner to allow for such an inspection shall be grounds for revocation of the License.

## **9. REFUSAL OF LICENSE**

9.1. The Township shall refuse to issue a License where:

- 9.1.1. all of the submission requirements set out in section 8 of this By-law have not been met;
- 9.1.2. any of the other requirements of this By-law are not being met;
- 9.1.3. the location of a Kennel does not meet all of the applicable zoning requirements; or,

9.1.4. in the case of an existing Kennel, the Licensee is not in Good Standing under this By-law or any other Township By-law.

9.2. The Township may refuse to issue a License application where the Owner has been convicted of an offence pursuant to a provincial statute or an offence pursuant to a municipal by-law.

9.3. In the event that a License application is refused, the Township shall provide written notice to the Owner by regular mail or personal delivery, together with reasons for the refusal.

9.4. Within twenty (20) days of a License application being refused, the Owner may apply to the Township, in writing, for a hearing before Council.

9.5. Upon receipt of a request for a hearing, the Township shall arrange for such a hearing at a Council meeting and written notice of the date, time and location of that hearing shall be given to the Owner by regular mail or personal delivery not less than seven (7) days prior to the hearing.

9.6. At any hearing, prior to making its decision, Council shall consider:

9.6.1. the License application;

9.6.2. the reasons for refusal;

9.6.3. any recommendations for conditions to be placed on the License;  
and

9.6.4. any oral or written submissions made by the Owner or their representative.

9.7. Following the hearing, Council may:

9.7.1. issue the License, with or without conditions; or,

9.7.2. refuse to issue the License.

9.8. The Township shall notify the Owner, in writing, of Council's decision by regular mail or personal delivery within ten (10) days of the decision.

9.9. Council's decision shall be final and not subject to further review.

## **10. CHANGES/ALTERATIONS TO KENNEL**

10.1. After the issuance of a License, the Owner shall not change or otherwise alter a Kennel without first obtaining the written permission of the Township and submitting:

- 10.1.1. written clearance from the OSPCA or a veterinarian assuring compliance with Sections 11.3 to 11.6, inclusive, of this By-law, with any associated costs borne by the Owner;
- 10.1.2. a revised site plan drawn to scale showing the location of all buildings, structures, dog runs or facilities on the subject property, including the location of all buildings, structures, dog runs or facilities, or parts thereof, to be used as a Kennel. The site plan must also specify the distance which separates the Kennel from all property lines and all buildings, structures, dog runs or facilities, including any residential buildings situated on adjacent properties;
- 10.1.3. in the case of a Breeding Kennel, a revised list of all Dogs currently being kept at the subject Property at the time the application is submitted, including both Purebreds and non-Purebreds, noting verification of current rabies vaccination for each Dog (except where there is proof that they are under 4 months of age);
- 10.1.4. in the discretion of the Township, in the case of a Kennel expanding either in area or in terms of the number of Dogs, a noise study from a qualified acoustical consultant demonstrating that such expansion will not cause exceedances of environmental noise guidelines from stationary sources as published by the Ministry of the Environment, Conservation and Parks from time to time;
- 10.1.5. an updated nutrient management plan that reflects the changes in the Kennel operation; and,
- 10.1.6. the applicable fees, as required by the Schedule of Fees.
- 10.2. The Township shall refuse to approve a change or alteration where the Licensee is not in Good Standing under this By-law or any other Township By-law.
- 10.3. The Township shall provide written notice of its approval or refusal of a change or alteration to a Kennel to the Owner by regular mail, email or personal delivery, together with reasons for the refusal.
- 10.4. In the event that the proposed change or alteration is refused, the Owner may apply for a hearing before Council following the same procedures as set out in sections 9.4 to 9.9 of this By-law.

## **11. MINIMUM STANDARDS**

All Kennels shall comply with the following minimum standards, in addition to all

requirements of the Township's Zoning By-law, as amended:

- 11.1. No Kennel shall be located within any part of any Dwelling Unit or attached to any Dwelling Unit.
- 11.2. No part of any building or structure enclosing a Kennel shall be used for human habitation.
- 11.3. Every Kennel shall be of sufficient space to allow the Dogs kept therein to stand erect and be comfortable, and shall have no less than 2.3 square metres (25 sq. ft.) of floor area per Dog which may be increased in accordance with the size of the Dog or decreased in accordance with the size of the breed of Dog using reasonable judgement and approved by the OSPCA or veterinarian.
- 11.4. Every Kennel shall be sufficient in size and height and of a design that permits each Dog confined therein to:
  - 11.4.1. stand normally to its full height with sufficient room for the Dog to wag its tail without hitting anything;
  - 11.4.2. turn around easily;
  - 11.4.3. move about easily for the purpose of posture adjustments;
  - 11.4.4. lie down in a fully extended position and without touching another Dog;
  - 11.4.5. have sufficient room to separate food, excrement and bedding;
  - 11.4.6. provides for isolation areas for sick or distressed Dogs;
  - 11.4.7. enable species-appropriate contact; and,
  - 11.4.8. provide for the social and behavioural needs of the Dog.
- 11.5. Every Kennel shall be properly equipped with accessible, fresh water and suitable, adequate feed both in clean, properly sized containers made of stainless steel to maintain Dogs in a healthy condition. Food and water receptacles shall be kept clean and located as to avoid contamination by excreta.
- 11.6. Every Kennel shall be kept in a sanitary, well-ventilated condition and free from offensive odours, disease and insect or rodent infestation. Dog feces shall be removed daily.

- 11.7. Every Kennel shall have floors and walls made of concrete or other impermeable material (including rigid plastic). Wire floors and cages shall not be permitted.
- 11.8. The yards and runways associated with Kennel operations shall be completely enclosed with a fence or as required by the Township's applicable Zoning By-law.
- 11.9. Floors in all pens, alley-ways and outdoor runs (or any area resembling the same) shall be sloped to allow for sufficient drainage.
- 11.10. Every Kennel shall be provided with adequate natural or artificial light, proper ventilation and sufficient heat and air conditioning to maintain healthy conditions. Every run or pen must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.
- 11.11. Every Kennel shall be provided with adequately shaded, outdoor open air runs, properly fenced to maintain control of the Dogs and with adequate space to accommodate the breed of the Dog being housed.
- 11.12. The Owner of a Kennel shall maintain compliance with all environmental laws pertaining to the disposal of waste at all times.
- 11.13. The Owner of a Kennel shall ensure that every Dog is provided with necessary veterinary medical care when any Dog exhibits signs of pain, illness, injury or suffering.
- 11.14. Every Owner of a Kennel shall:
  - 11.14.1. maintain records verifying current rabies vaccination for each Dog at the Kennel (except puppies at a Breeding Kennel under 4 months old) and provide such records to the Township immediately upon request; and
  - 11.14.2. have in force and effect, at all times, Commercial General Liability insurance with a minimum limit of \$2,000,000 (Two Million Dollars) and provide proof of such insurance to the Township immediately upon request.
- 11.15. The Owner of a Kennel shall ensure that:
  - 11.15.1. a secure, chain link fence, wooden fence or alternative enclosure satisfactory to Township staff is installed and maintained around any outdoor run or any outdoor play area with a minimum height of 2 metres (6 feet);

- 11.15.2. any pen area for the housing of Dogs shall be constructed with solid walls and roofing;

### **Breeding Kennels**

11.16. In addition to the Minimum Standards in Sections 11.1 to 11.14, every Breeding Kennel shall:

- 11.16.1. maintain a whelping bitch in separate accommodation from the balance of the Dogs in the Kennel, and shall keep any puppies in a whelping box that prevents puppies from escaping or harming themselves;
- 11.16.2. provide bitches with nursing puppies increased space in the whelping box by 10% per nursing puppy;
- 11.16.3. provide absorbent bedding in the whelping box to keep the puppies clean and dry;
- 11.16.4. provide a water bowl that is situate such that a puppy cannot fall in
- 11.16.5. provide adequate supplemental heat at all times.

11.17. Every Owner of a Breeding Kennel shall maintain records of the following:

- 11.17.1. the dates of arrival and departure of all Dogs;
- 11.17.2. the breeding and identification records of all whelping bitches and stud Dogs and the results of litters;
- 11.17.3. the age and breed of all Dogs kept and sold; and
- 11.17.4. the names and addresses of the purchasers of individual Dogs.

### **Boarding Kennels**

11.18. Every Owner of a Boarding Kennel shall maintain records with the following minimum information:

- 11.18.1. the dates of arrival and departure of all Dogs; and
- 11.18.2. the names and addresses of the owners of all Dogs cared for at the Kennel.

### **Retiring Kennels**

11.19. Where an Owner of a Breeding Kennel wishes to wind down

operations and retire, they shall have the option of applying for a Retiring Kennel license in accordance with this section. The purpose of the Retiring Kennel license is to allow an Owner who has operated in Good Standing keep more than three (3) Dogs on their Property without the need to apply for a full Breeding Kennel license.

- 11.20. To be eligible for a Retiring Kennel License, the Owner must demonstrate:
  - 11.20.1. That he/she previously was a Licensee in Good Standing in the calendar year immediately prior to applying for a Retiring Kennel License;
  - 11.20.2. That all commercial activities (including boarding, breeding and training, etc.) have ceased;
  - 11.20.3. That the number of Dogs will not increase, which shall be demonstrated by a sworn declaration to that affect;
  - 11.20.4. That no more than ten (10) Dogs will be harboured on the Property;
- 11.21. Retiring Kennel Licenses shall only be permitted for a maximum of 5 years.
- 11.22. The Licensee of a Retiring Kennel shall be subjected to annual inspections to ensure that no commercial activities have resumed.
- 11.23. The requirements of sections 7.4, 8.1, and 11.14.2 of this By-law do not apply to Retiring Kennels.

## **12. CONFINEMENT AND CONTROL OF DOGS IN KENNELS**

- 12.1. All Dogs shall be confined indoors during the hours of 8:00 p.m. to 7:00 a.m.
- 12.2. The Owner of a Kennel shall maintain compliance with applicable Township by-laws at all times.

## **13. REVOCATION OF LICENSE**

- 13.1. Any License issued under the provisions of this By-law may be revoked by the Township, prior to its expiration, for any contravention of the provisions of this By-law if:
  - 13.1.1. the Township provides written notice of the By-law

contravention to the Owner by regular mail or personal delivery;  
and,

13.1.2. the Owner has not corrected the By-law contravention within ten (10) days of receiving the Township's written notice.

13.2. Following the process set out in section 13.1, if the Township decides to revoke a License, the Township shall provide written notice of the revocation to the Owner by regular mail or personal delivery.

13.3. Following the revocation of a License, the Owner may apply for a hearing before Council following the same procedures as set out in sections 9.4 to 9.9 of this By-law.

#### **14. ENFORCEMENT**

14.1. This By-law may be enforced by a Municipal Law Enforcement Officer, or any other Person appointed by Council for that purpose.

#### **15. INSPECTION**

15.1 The Township may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

15.1.1 this By-law;

15.1.2 a direction or order of the Township made under the *Municipal Act, 2001* or a by-law of the Township passed under the *Municipal Act, 2001*; and,

15.1.3 a condition of a License.

15.2 For the purposes of an inspection, the Township may:

15.2.1 require the production for inspection of documents or things relevant to the inspection; inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

15.2.2 require information from any Person concerning a matter related to the inspection; and

15.2.3 alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

#### **16. OFFENCES**

16.1. Any Person who contravenes any provision of this By-law is guilty of an



offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

- 16.2. A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence.
- 16.3. Any Person who hinders or obstructs, or attempts to hinder or obstruct, any Person who is exercising a power or performing a duty under this By-law is guilty of an offence.
- 16.4. Each day on which a person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in section 429(2) of the *Municipal Act, 2001*, S.O. 2001, c.25.
- 16.5. Any Person, including a director or officer of a corporation, who is convicted of an offence is liable to a minimum fine of One Hundred Dollars (\$100.00) and a maximum fine of One Hundred Thousand Dollars (\$100,000.00).
- 16.6. In addition to the fine amounts set out in section 16.5 of this By-law, for each day or part of a day that an offence continues, the minimum fine shall be One Hundred Dollars (\$100.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all daily fines for the offence is not limited to One Hundred Thousand Dollars (\$100,000.00).
- 16.7. In addition to the regular fines outlined in sections 16.5 and 16.6 of this By-law, a special fine may be imposed on any convicted Person in order to eliminate or reduce any economic advantage or gain from contravening this By-law. A special fine may exceed One Hundred Thousand Dollars (\$100,000.00).
- 16.8. If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered or any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the Person convicted.

#### **Collection of Unpaid Fines**

- 16.9. Pursuant to s. 441 of the *Municipal Act, 2001*, if any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under s. 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that section, a Treasurer may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty one (21) days after the date of the notice.

If the fine remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of s. 351 of the *Municipal Act, 2001*.

### **Court Order to Close Premises**

- 16.10. Pursuant to s. 447 of the *Municipal Act, 2001*, where an Owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a License required by this By-law, the Court may order that the premises or part of the premises be closed to any use for a period not exceeding two (2) years.
- 16.11. Where a Person is convicted of a contravention of this By-law, other than a conviction described in section 16.10, and the Court determines that the Owner or occupant of the premises or part of the premises in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the Court may order that the premises or part of the premises be closed to any use for a period not exceeding two (2) years.

## **17. ORDERS**

- 17.1. Where the Township is satisfied that a contravention of this By-law has occurred, the Township may make an order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
- 17.2. An order under s. 17.1 of this By-law shall set out:
- 17.2.1. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
  - 17.2.2. the date by which there must be compliance with the order.
- 17.3. Any Person who contravenes an order under s. 17.1 of this By-law is guilty of an offence.
- 17.4. Where the Township is satisfied that a contravention of this By-law has occurred, the Township may make an order requiring the Person who contravened this By-law, or who caused or permitted the contravention, or the Owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
- 17.5. An order under s. 17.4 of this By-law shall set out:

- 17.5.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
  - 17.5.2 the work to be done and the date by which the work must be done.
- 17.6 An order under s. 17.4 of this By-law may require work to be done even though the facts that constitute the contravention of this By-law were present before this By-law came into force.
- 17.7 Any Person who contravenes an order under s. 17.4 of this By-law is guilty of an offence.
- 17.8 If a Person fails to do a matter or thing, including comply with an order under this By-law, as directed or required by this By-law, the Township may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense. The Township may recover the costs of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
- 17.9 The costs outlined in s. 17.8 of this By-law shall include interest calculated at a rate of fifteen per cent (15%), calculated for the period commencing on the day the Township incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 17.10 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the Township shall register a discharge of the lien in the proper land registry office.

## **18. SERVICE OF ORDERS, NOTICES and DECISIONS**

- 18.1. An order, notice or decision under this By-law shall be served personally or by registered mail. A copy of the order, notice or decision may also be:
- 18.1.1. Emailed to the last known email address of the Person to whom the order is directed;
  - 18.1.2. Deposited in a mailbox or mail slot of the Person to whom the order is directed; or,
  - 18.1.3. Sent by prepaid regular mail to the last known address of the Person to whom the order is directed.

18.2. Where service is effected by:

18.2.1. registered mail, it shall be deemed to be made on the second (2<sup>nd</sup>) day after the date of mailing;

18.2.2. person service, it shall be deemed effective on the day the document served was delivered;

19. **SHORT TITLE**

19.1. This By-law may be cited as the “Dog and Kennel Licencing By-Law”.

20. **SEVERABILITY**

20.1. 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 provision 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.

21. **REPEAL**

21.1. By-laws 8/99 and 33/05 are hereby repealed.

22. **COMING INTO FORCE**

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

Passed by Council on the 24th day  
of March, 2021 authorized by  
Council Resolution No. 2021-095

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James Seeley, Mayor

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Courtenay Hoytfox, Clerk

**Township of Puslinch**  
**By-law No. 024-2021**  
**Schedule A**  
**Part I of *Provincial Offences Act***  
**Set Fine Schedule**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Keep more than 3 dogs per dwelling unit / 5 dogs per property	2.2	\$200.00
2	Keep/harbour dog without valid tag	2.4	\$150.00
3	Affix tag to unregistered dog	2.6.1	\$150.00
4	Fail to display License in conspicuous place	3.7	\$300.00
5	Permit dog to run at large	5.1	\$100.00
6	Fail to remove dog excrement	5.4	\$100.00
7	Operate kennel without a license	7.1	\$400.00
8	Permitting Dogs outdoors – 8:00 p.m. to 7:00 a.m.	12.1	\$100.00

\*NOTE: The penalty provision for the offences indicated above is section 16.1 of the By-law 024-2021, a certified copy of which has been filed.