

Amended by:  
By-law 18-45

The Corporation of the Township of Elizabethtown-Kitley

By-law Number 18-16

A BY-LAW RESPECTING THE REGULATION AND CONTROL, PROTECTION AND IDENTIFICATION OF DOGS IN THE TOWNSHIP OF ELIZABETHTOWN-KITLEY

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**Whereas** the *Municipal Act*, R.S.O., 1990, Chapter M.45, Section 210 authorizes the municipality to pass a by-law regarding the prohibitions or regulation of dogs;

**And Whereas** Section 210, paragraph 82 of the *Municipal Act* authorizes the enactment of by-laws for prohibiting the throwing, placing or depositing of refuse or debris on private property or on property of the Municipality or any local board thereof without authority from the owner or occupant or such property;

**And Whereas** Section 210, paragraph 140 of the *Municipal Act* authorizes the enactment of By-laws for prohibiting and abating public nuisances within the municipality;

**And Whereas** the Council of the Corporation of the Township of Elizabethtown-Kitley deems it desirable to enact a by-law respecting the regulation and control, protection and identification of dogs;

**Now Therefore** the Council of the Corporation of the Township of Elizabethtown-Kitley enacts as follows:

**SECTION I** **DEFINITIONS**

1. For the purpose of this by-law, the following definitions shall apply:
  - a) "Aggressive Dog" means any dog that has bitten a person or a domestic animal without provocation, or has a known propensity, tendency or disposition to attack without provocation persons or other domesticated animals.
  - b) "By-law Enforcement Officer" shall mean a person, company, or entity appointed as such by the Township of Elizabethtown-Kitley, or any other person directed by the Clerk to enforce parts of this By-law, and includes the By-law Enforcement Officer.
  - c) "Control" means having, at all times, the ability to manage, direct, restrict and restrain the movement of an animal.
  - d) "Corporation" means the Corporation of the Township of Elizabethtown-Kitley.
  - e) "Dog" means any domesticated canine, male or female, that is three (3) months of age or older.
  - f) "Kennel" shall mean any premises, building, cage, or pen, excluding animal clinics and grooming establishments, where four or more dogs are lodged, treated, bred, kept or boarded. A Kennel shall be classified as follows:
    - i) "commercial and/or breeding kennel" is used primarily for boarding of four (4) to fifteen (15) dogs where the majority of kennel space is devoted to the boarding of dogs owned by persons other than family members or where the primary purpose of the facility is breeding purposes and the number of dogs permitted within such kennels shall be determined at the discretion of the Township Council.
    - ii) "hobby kennel" where four (4) to eight (8) dogs are housed for the primary purpose of pleasure (pets) or hunting, and where there is no boarding and no revenue derived from the sale of pups from these dogs.

- g) "Guide Dog" means any dog trained as a guide dog for the blind or visually impaired person and having the qualifications prescribed by the regulations under the Blind Person's Rights Act, and shall include a dog trained as a guide dog for other physically disabled persons.
- h) "Municipal By-law Enforcement Officer" means a person or persons appointed or employed by the Corporation of the Township of Elizabethtown-Kitley for the purposes of enforcing the provisions of this by-law.
- i) "Muzzled" means a humane fastening or covering device of adequate strength used over the mouth to prevent a dog from biting.
- j) "Owner" means and includes any person who possesses or harbours an animal and shall include a person who is the temporary keeper or is in control of an animal, and owns and owned shall have a corresponding meaning.
- k) "Pup" means a dog under the age of three (3) months.
- l) "Restrained" means being kept inside a building or house or in a pen of sufficient proportions and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog.
- m) "Sanitize" means to clean for the purposes of controlling disease producing organisms and "sanitized" has a corresponding meaning.
- n) "Township" means the Corporation of the Township of Elizabethtown-Kitley.
- o) "Treasurer" means the Treasurer of the Corporation of the Township of Elizabethtown-Kitley, as appointed from time to time.

**SECTION II**

**IDENTIFICATION**

1. Every dog shall be licensed and registered by its owner by three months of age.
2. Except when the dog is less than three months of age, every dog brought into the Township shall be licensed and registered by its owner within thirty (30) days.
3. No person shall keep a dog in the Township who has not obtained a license in respect thereof and who has not registered the dog under the provisions of this By-law.
4. Every owner of a dog shall annually, on or before the 31<sup>st</sup> day of March of each year, cause the dog to be registered, numbered, described and licensed at the Township municipal office or with such agency as designated by the Township Council in accordance with Schedule "A", attached hereto.
5. On payment of a license fee, the owner will be furnished with a dog tag, and the owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, except that the tag may be removed only while the dog is being lawfully used for hunting in the bush and is under the direct control of the owner or the owner's designate. No person shall use a tag upon a dog other than the dog for which it was issued.
6. Every owner who fails to purchase the respective dog license for each of their dog(s) on or before March 31<sup>st</sup> of each year shall pay an additional fee per license as set out in Schedule "A".

7. Upon application made in accordance with the provisions of this By-law, every application for a dog license shall furnish the Treasurer or other employee designated for that purpose with the name, address and telephone number of the dog owner and other information as requested by the Treasurer.
8. The Treasurer or other employee designated for that purpose shall have charge of the granting of licenses and it shall be his/her duty:
  - a) To keep a complete register of all dogs in respect of which licenses are issued;
  - b) To keep an accurate account of all monies paid to the Township;
  - c) To furnish with each license a numbered tag which shall be securely fixed by the owner to each dog in respect of which the license is issued.
9. Each license shall be in force for time periods stated and shall expire on December 31<sup>st</sup> of the appropriate year.
10. The owner of a kennel of dogs shall pay an annual license fee as set forth in Schedule "A" attached hereto, as a license fee for the kennel instead of a license fee for each dog. The owner of a hobby and or breeding kennel shall furnish identifying tags or collars for all dogs within the kennel. The Commercial kennel operator must furnish each dog with a Kennel Identifier, with the kennel name and contact number, which must be securely fixed to each dog while the dog is boarded or resides within the Township, except for and only while the dogs are being lawfully used for hunting in the bush and are under the direct control of the owner or the owner's designate.

### **SECTION III**

### **WASTE**

1. Every person or owner of a dog who allows dog and/or pup waste (excrement/feces) to be placed on private property or property of the Corporation without authorization from the owner of the property is guilty of an offence.
2. Notwithstanding Section 1 hereof, if a person who has deposited or allowed waste to be deposited on private property or property of the Township shall immediately and entirely, without leaving the scene, cause such waste to be entirely picked up and thence removed to his/her own property, such person shall be deemed not to have committed an offence under this section.
3. Section III, subsections 1 and 2 shall not apply to a seeing eye dog while on a leash and actually in use in providing assistance to a person with impaired vision or to a disabled person as defined herein.

### **SECTION IV**

### **ANIMALS AT LARGE**

1. No owner of a dog shall allow the dog to run at large within the limits of the Township. Any dog found running at large in the Township may be seized and/or impounded. The owner of the dog which is found to be running at large in contravention of this By-law may be issued an Offence Notice or Summons by the Township By-law Enforcement Officer.

2. A dog shall be deemed to be running at large unless the dog is:
  - a) Constrained by a leash,
  - b) On the owner's property and under the care and control of its owner,
  - c) Being used for hunting and under the direct control of the owner or the owner's designate,
  - d) Inside the owner's residence, or
  - e) Contained within a vehicle, building or structure or cage described in Schedule "B".
3. Any owner who fails to claim a dog within the time period as set out by the *Animals for Research Act* shall forfeit all rights to ownership of that dog. The unclaimed dog shall be disposed of according to the *Animals for Research Act*, R.S.O. 1990, Chapter a.22, Section 20, or as may be amended.
4. Any dog seized by the municipality may be returned to the owner or impounded.
5. Any owner of a dog that has been seized or impounded shall pay an amount as set out in Schedule "A" prior to the release of the dog.
6. Any owner of a dog that has been seized or impounded that has not obtained a dog license for the current year shall do so before the dog is released.
7. Any dog impounded may be taken to the animal shelter of the OSPCA or to any kennel designated by the Township and shall remain in their custody until such time as all conditions for its release are met including those of Paragraph 5 and 6 of this Section.
8. The Township By-law Enforcement Officer may cause a dog to be destroyed that he/she finds running at large, if:
  - a) He/she reasonably believes that the dog is likely to cause imminent harm to any person or animal, or
  - b) The dog is injured or ill and should be destroyed without delay for public safety and humane reasons.

**SECTION V**

**AGGRESSIVE DOG(S)**

1. The owner of an aggressive dog shall ensure that:
  - a) The dog is restrained so it does not bite, chase or attack a person or other domestic animal whether on the property of the owner or not;
  - b) When it is on the property of the owner, it is restrained and confined in an enclosed area or in a fenced yard, the purpose of which is to prevent the aggressive dog from coming into contact with other persons or animals that may inadvertently or by purpose enter onto the property;
  - c) When it is off the property of the owner;
    - i. It is securely leashed and muzzled in a manner that prevents it from biting, chasing or attacking a person or other domestic animal, and
    - ii. It is under the control of a person over the age of sixteen (16) years of age.

2. Any owner of an aggressive animal shall be notified in writing by the Township By-law Enforcement Officer that the owner must comply with the provisions of this By-law.
3. The owner of an aggressive dog shall pay an annual license fee as prescribed for aggressive dogs as set forth in Schedule "A".
4. The owner of an aggressive dog after having been notified in writing to comply with the provisions of this section of the By-law may request, and is entitled to a hearing by Council which may exempt the owner from complying with some or all of the provisions of this Section. If after two years the dog has not been involved in any further incidences, and the owners can establish (for example, by affidavits of current neighbours and veterinarian's report) that the propensity and disposition of the dog is no longer aggressive, the Council may decide to relieve the owner from complying with this Section of the By-law.
5. The owner of an aggressive dog shall at the time of licensing inform the licensing officer that the dog has been labelled aggressive by the Township, and therefore must comply with this Section of the By-law.
6. In addition to the requirements of this By-law, the owner of an aggressive dog may be subject to other legislation.

#### **SECTION VI**

#### **PUBLIC NUISANCE**

1. No person shall allow their dog(s) or kennel of dogs to become a public nuisance.
2. A dog or a kennel of dogs can be considered a public nuisance if,
  - a) it persistently barks or howls for unreasonable lengths of time,
  - b) it has offensive odour or odours which may attract other animals, except when the odour is caused by a female dog in heat that is properly cared for,
  - c) it dumps or scatters garbage or trash,
  - d) it persistently chases vehicles or pedestrians that are using public or private property adjacent to the property which is harbouring the dog(s), or
  - e) it excretes feces on property other than the property harbouring the dog.

#### **SECTION VII**

#### **GENERAL REQUIREMENTS AND KENNELS**

1. No person shall keep more than three (3) dogs at any one time on any premises in the Township unless a kennel license has been obtained by them with respect to such dogs.
2. No person shall operate a kennel in the Township unless they have obtained a license for such kennel under the provisions of this By-law.
3. No person shall establish or operate:
  - a) A commercial and/or breeding kennel, except in compliance with the Township's comprehensive Zoning By-law and any other applicable By-laws;
  - b) A hobby kennel, unless it is located in a RU (Rural Zone) or AG (Agriculture Zone and any related 'Special Exception Zones' related thereto.
4. All kennels are to be an accessory use to an occupied residential unit.
5. Only one kennel per lot is permitted.

6. Notwithstanding Section VII, subsection 3, no kennel shall be permitted to be located south of County Highway Number 2 (County Road No. 2).
7. No person shall establish or operate a kennel within 600 feet of a dwelling on another lot, or where there is an abutting vacant lot; no person shall establish or operate a kennel within 600 feet of the property line. Abutting includes lands located across a highway or unopened road allowance. Site Specific exceptions to this provision are detailed in Schedule G.
8. Amendments to the minimum setback requirements under Item 6 above may be considered by Council after circulation of the proposed amendment to any neighbouring owner of a dwelling within 600 ft. of the kennel and/or to the owner of a vacant lot within 600 ft. of the kennel. Circulated property owners would have a reasonable opportunity to present written or oral comments to Council. There shall be an administrative application fee of \$200.00 paid by the applicant for consideration of this amendment.
9. Application for a license for a kennel shall be made on the application form marked as Schedule "D", to the Treasurer on or before the fifteenth (15) day of February in each year. The license, unless specifically expressed to be less or is suspended or revoked; shall be valid until December 31<sup>st</sup> of the appropriate year.
10. Every owner of a kennel, who fails to purchase the respective kennel license on or before March 31<sup>st</sup> of each year, shall pay an additional fee per license as set out in Schedule "A" and the fee shall be added to the tax roll of the kennel owner=s residing property. In the case of the kennel owner renting or leasing the lands upon which the kennel is known to reside then the outstanding fees may still be added to the tax roll of the rented or leased lands.
11. Number of dogs permitted in a kennel:
  - a) No "hobby kennel" shall be allowed to house more than eight (8) dogs, excluding pups.
  - b) No commercial and/or breeding kennel shall be permitted to house more than fifteen (15) dogs, excluding pups.
12. All fencing and runs for commercial and/or breeding kennels shall be built in accordance with Schedule "B" and shall be located and designed to minimize noise from and noise being directed toward neighbouring lots.
13. All commercial and/or breeding kennels operating in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the standards as set out in Schedule "C".
14. All hobby kennels operating in the Township shall maintain dogs in a clean, secure and humane manner and shall comply with the standards set out in Schedule "F".
15. Commercial and/or breeding kennels will be required to submit to an annual inspection of the premises conducted by the By-law Enforcement Officer. The By-law Enforcement Officer shall provide notice of inspection to the owner of the premises forty-eight hours prior to the date of inspection.

16. Hobby kennels are required to submit to an initial inspection of the premises conducted by the By-law Enforcement Officer. Following the initial inspection, the hobby kennel owner will be required to apply for a renewal of the kennel licence as laid out in Schedule "D" attached hereto. The fee for such renewal is included in Schedule "A", also attached hereto. If, at the time of the renewal, there is any change to the hobby kennel, an inspection will be conducted by the By-law Enforcement Officer and the applicable fee levied accordingly.
17. Where, in the opinion of the By-law Enforcement Officer, any kennel does not comply with the provisions of this By-law or creates or is likely to create a public health nuisance or unsanitary condition. The By-law Enforcement Officer may, by written notice, require the owner of the kennel to abate the nuisance or rectify the conditions within a reasonable time period. If the owner fails to abate the nuisance or rectify the conditions specified by the By-law Enforcement Officer, they shall be deemed to be contravening the provisions of this By-law.
18. In the event that the By-law Enforcement Officer, after the annual inspection, does not provide a licence or, if upon subsequent inspections, rescinds a kennel licence, the owner of such kennel may appeal to the Council of the Township.
19. Any kennel license may be suspended pending compliance, or revoked for non-compliance by the By-law Enforcement Officer if, in his/her opinion, the kennel does not comply with the provisions of this By-law.
20. Those kennels listed within Schedule "E" attached hereto shall be exempt from the set back and zoning provisions as laid out in Section VII, subsections 3, 5 and 6.

#### SECTION VIII

#### PENALTY

1. Any person who contravenes any of the provisions of this By-law, and the procedure with respect thereto is guilty of an offence and the penalty upon conviction is liable to a fine of not more than \$5,000.00 pursuant to the *Provincial Offences Act*, R.S.O., 1990, Chapter 22 and amendments thereto.
2. The By-law Enforcement Officer and By-law Enforcement Officer of the Township or duly appointed agents of any of them shall enforce the provisions of this By-law.
3. Where a provision of this By-law conflicts with the provision of another By-law in force in the Township, the provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.
4. It is the declared intention of the Council of the Corporation of the Township of Elizabethtown-Kitley that any section or part of a section of the By-law which may subsequently be held to be illegal shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the by-law.
5. That Schedules "A", "B", "C", "D", "E", "F" and "G" attached hereto are hereby made part of this By-law fully and to all intents and purposes as though recited in full herein.

**SECTION IX**

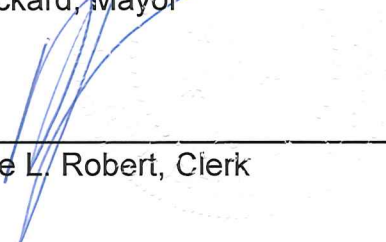
**REPEALS**

1. By-laws 02-23, 02-53, 11-43, 11-62, 15-25 and all by-laws relating to the regulation and control of dogs are hereby repealed in their entirety.

**Read a First and Second** time this 26<sup>th</sup> day of March, 2018.

**Read a Third** time and finally **Passed** this 26<sup>th</sup> day of March, 2018.

  
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Jim Pickard, Mayor

  
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Yvonne L. Robert, Clerk

**Schedule A**

**DOG LICENSES**

<b>DOGS</b> Annual licence fee. Expires annually on December 31 <sup>st</sup> .	<b>UNTIL MARCH 31<sup>ST</sup></b> or within thirty days of moving into the Township	<b>AFTER MARCH 31<sup>ST</sup></b>
Guide Dogs	No Charge	No Charge
All Other Dogs	\$10.00	\$20.00
Designated Aggressive Dog	\$100.00	\$150.00
Replacement Tag	\$1.00	\$1.00
Hobby Kennels	\$200.00	\$200.00
Grandfathered, First Inspection	\$125.00	\$125.00
Hobby Kennel Renewal	\$30.00	\$30.00
Commercial/Breeding Kennel	\$200.00	\$200.00

**FINES**

<b>VIOLATION</b>	<b>SET FINE</b>
Unlicensed Dog	\$25.00
Dog tag used on dog other than the dog registered	\$25.00
Leaving dog waste on private property	\$25.00
Dog running at large	\$50.00
Dog not on a leash	\$50.00
Dog with offensive odour	\$50.00
Dog being a public nuisance	\$100.00

**RELEASE FEES FOR IMPOUNDED ANIMALS**

<b>OFFENCE</b>	<b>SET FEE</b>
First Offence	\$50.00
Second Offence	\$90.00
Third Offence	\$130.00
Subsequent Offences (Charges must be laid under the <i>Provincial Offences Act</i> )	\$200.00

**Schedule B**

**REQUIRED KENNEL CONSTRUCTION FOR COMMERCIAL AND/OR BREEDING KENNELS**

1. A fence or its equivalent which is to form a kennel enclosure or part thereof shall be of:
  - a) Chain link construction
  - b) Vertical board construction
2. A fence of chain link construction six feet (6') high, shall;
  - a) Have a mesh not greater than two inches (2") consisting of 12 ga. galvanized steel wire, or a 14 ga. steel wire covered with vinyl or other approved plastic which would yield a total thickness equivalent to 12 ga. steel wire.
  - b) Be supported by a minimum of one and a half inch (1 ½ ") galvanized steel posts, spaced not more than ten feet (10') apart. Such posts must extend at least three feet (3') below grade or to bed rock and be encased in concrete at least two inches (2") thick all around;
  - c) Where a kennel run fence is constructed of chain link panels, the panel must rest on a suitable flooring of either a concrete slab, patio stone or equivalent;
  - d) Have a top and bottom rail firmly fastened to the upright posts, made of a minimum of one and a quarter inch (1 ¼") galvanized steel pipe. NOTE: Galvanized steel tension wire, nine (9) ga. may be substituted for the bottom rail.
3. A fence of wood construction six feet (6') high shall:
  - a) Have vertical boarding one inch (1") thick nominal, attached to a top and bottom rail in such a manner as to not facilitate climbing from the outside. Such vertical boards must not be less than one inch (1") by four inches (4") nominal and must be spaced not more than four inches (4") apart;
  - b) Be supported by cedar posts at least four inches (4") by four inches (4") nominal, spaced not more than eight feet (8') apart. Such posts shall extend at least three feet (3') into the ground or to bedrock and be securely embedded therein;
  - c) Have that portion of the post below the ground level treated with an approved wood preservative;
  - d) Have top and bottom rails at least two inches (2") by four inches (4") nominal dimensions.
4. A fence of any other construction which might yield an equivalent or greater degree of safety to that specified in subsections 1, 2 or 3 of this Schedule may be approved by the authority having jurisdiction upon the receipt of completed plans and specifications for same.

## **GATES AND ENTRANCES TO KENNEL AREA**

1. Gates which form a part of the kennel enclosure shall be:
  - a) of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence.
  - b) supported on substantial hinges;
  - c) self-closing, self-latching with the latching device accessible from either side of the gate.

## **MAINTENANCE**

1. All fences, walls, gates and entrances forming part of a kennel enclosure shall be constructed or erected and shall be maintained at all times to the standards and specifications set out in this by-law.

**Schedule C**

**KENNEL OPERATION STANDARDS FOR COMMERCIAL AND/OR BREEDING KENNELS**

All kennels operated in the Township shall maintain dogs in a clean, secure, and humane manner and shall comply with the following standards:

1. Dog cages and/or dog houses shall be so constructed as to be easily cleaned. All dogs shall be provided with food and water and treated in a humane manner.
2. Floors shall be:
  - a) Soundly constructed of hard, durable material;
  - b) Constructed of a material that may be readily sanitized; and
  - c) Maintained in a good state of repair free from cracks, holes and other damage.
3. Where there are floor drains:
  - a) A floor drain and any trench installed in connection therewith that is used for waste disposal shall be flushed at such intervals as may be necessary to prevent any accumulation of waste that might impair the health or welfare of any dog in the room;
  - b) The floor shall be so constructed and maintained that surface liquids thereon will drain into the drain; and
  - c) The operator of the kennel shall cause the drains to be examined as often as is necessary to ensure that they are functioning properly, have an adequate water seal and are not harbouring vermin.
4. Walls shall be:
  - a) Soundly constructed of hard, durable material;
  - b) Impervious to water to a height adequate for sanitary maintenance;
  - c) Constructed of a material that may be readily sanitized; and
  - d) Maintained in a good state of repair free from cracks, holes and other damage.
5. Where there is a door:
  - a) Every frame or moulding around the door opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin; and
  - b) The door shall be maintained in a good state of repair free from cracks, holes and other damage.

6. Where there is a window:
  - a) Every frame or molding around the window opening shall be so constructed and maintained that it has no space or spaces capable of harbouring vermin;
  - b) Means shall be provided to prevent the effects of direct sunlight through the window;
  - c) The window shall be so constructed and maintained as to prevent the entrance of vermin through the window; and
  - d) The window shall be maintained in a good state of repair free from cracks, holes and other damage.
7. Roofs and ceilings shall be:
  - a) Soundly constructed; and
  - b) Maintained in a good state of repair free from cracks, holes and other damage.
8. Where any pipe, drain, conduit or other service facility is installed through any floor, wall, or ceiling, the place where the pipe, drain, conduit or other service facility enters or leaves the room shall be so sealed as to prevent the entrance of vermin into the room.
9. Alleyways and service aisles between cages or pens shall be of sufficient width to permit the safe and efficient movement of persons and equipment and shall not be used for storage or accumulation of materials or equipment of any kind.
10. Every room in a kennel shall be maintained in a clean condition.
11. The operator of every kennel shall take all reasonable steps to prevent the spread of and to destroy vermin and invertebrates that may be harmful to the health, comfort or welfare of any dog in the kennel.
12. Every room that is used for the housing of dogs within a kennel shall be equipped with a lighting system that is so designed, constructed and maintained that:
  - a) It distributes light as evenly and with as little glare as possible; and
  - b) It provides adequate light for the proper observation of every animal in the room.
13. Every room that is used for the housing of dogs within a kennel shall be adequately lighted for a continuous period of at least eight hours in every twenty-four hour period.
14. Every room that is used for the housing of dogs within a kennel shall at all times be adequately ventilated for the health, welfare and comfort of every dog therein.
15. Every room that is used for the housing of dogs within a kennel shall at all times be adequately maintained at a temperature suitable for the health, welfare and comfort of every dog therein.

16. The operator of a kennel shall ensure that there is, in every day, on the premises on which the kennel is located, an adequate number of persons competent in the care of dogs to properly care for every dog in the kennel.
17. Every cage or pen used in a kennel for the housing of dogs shall be so constructed and maintained that:
  - a) Every animal in the cage or pen may comfortably:
    1. Extend its legs to their full extent,
    2. Stand,
    3. Sit,
    4. Turn around and
    5. Lie down in a fully extended position;
  - b) It is not likely to harm any animal therein;
  - c) Any animal therein cannot readily escape therefrom;
  - d) It minimizes as nearly as practicable the transfer of pathogenic agents; and
  - e) It may be readily sanitized
18. Where a group of dogs in a kennel is housed in a communal cage, pen or dog run, no individual dog shall be placed in the cage, pen or dog run with the group of dogs where the placing of the individual dog would result in harm to any of the dogs and, where the behaviour of the dogs in the cage, pen or dog run is such that harm is likely to result, any dog whose removal will prevent the harm from occurring shall forthwith be removed.
19. This section applies to all pens or cages in every kennel:
  - a) Bedding material in every cage or pen shall be changed as often as is necessary to keep it dry, clean and free of noxious fumes;
  - b) Every dog that is housed in a cage or pen shall be removed from its cage or pen and changed to a freshly sanitized cage or pen as often as is necessary for its health and comfort;
  - c) No dog shall be placed in a cage or pen that is vacant unless the cage or pen and equipment used in connection therewith have first been sanitized;
  - d) Where a cage is cleaned or sanitized, the cage rack or portion thereof used in connection with the cage shall be cleaned or sanitized at the same time;
  - e) Every animal shall be protected against liquid spray while a cage or pen is being cleaned;
  - f) Every device used to supply drinking water to a dog shall be maintained in a sanitary condition and shall be so constructed and maintained as to ensure:
    1. That the dog is receiving water; and
    2. The device is functioning properly.
  - g) Every container for food or water shall be maintained in a sanitary condition.
20. In any kennel, the operator thereof shall take or cause to be taken all steps practicable to treat and prevent the spread of any disease found in any animal and to prevent distress to the animal.

21. Every pen used for the housing of dogs in any kennel shall be so constructed and maintained as to provide a clean, dry and safe surface adequate to permit the dogs to lie down in comfort at all times.
22. An outdoor dog run in a kennel may be used to provide dogs in the kennel with exercise subject to the following conditions:
  - a) No dog shall be removed from indoor housing and placed in the outdoor dog run or removed from the outdoor dog run and placed in the indoor housing where to do so would result in the change in environment likely to cause harm to the dog.
  - b) The surface on which the dog run is established shall be so maintained as to rapidly drain all excess surface water.
  - c) The dog run shall be so fenced as to prevent any dog from escaping.
  - d) The dog run shall be kept in a clean condition free from any materials or equipment likely to cause harm to a dog.
  - e) Every dog in the dog run shall have access to individual shelters that are:
    1. Readily accessible to the dog;
    2. Large enough to comfortably accommodate the dog;
    3. So constructed and maintained as to provide protection from the effects of direct sunlight, precipitation and wind; and
    4. That is dry and well drained.
23. All surfaces of yards and runways shall be covered in concrete or other nonporous materials or any other equivalent material.
24. All doorways and windows and outside openings shall be screened during the period of May 1<sup>st</sup> to October 1<sup>st</sup> of each year; and provide an effective barrier against the escape of any dog.
25. All kennels must at all times be maintained in a clean, sanitary condition.
26. Excretions, dead animals and other waste resulting from the operation of a kennel shall be removed and disposed of daily from the premises in a sanitary manner.
27. Subject to the *Dead Animal Disposal Act*, in any kennel, the carcass of an animal shall be:
  - a) Forthwith removed from the cage or pen; and
  - b) Except for the whole or a part of the carcass that is retained in a sanitary manner for research, forthwith disposed of.
28. Where the carcass of an animal is disposed of and the dead animal is not a dead animal as defined in the *Dead Animal Disposal Act*, the carcass shall be disposed of by:
  - a) Burying it with a covering of at least two feet of earth;
  - b) Incineration; or

- c) Delivery to a rendering plant:
  - 1. Licensed under the *Dead Animal Disposal Act*, or
  - 2. Approved under the *Meat Inspection Act (Canada)* in a vehicle constructed and equipped in accordance with the *Dead Animal Disposal Act*.
  
- 29. No kennel or part thereof, including fencing, shall be permitted within six hundred feet (600') of a dwelling unit on a neighbouring property.
  
- 30. A whelping facility/area should be separate from the individual and/or group kennel enclosures housing other kennel dogs, thereby providing the whelping dog with privacy.
  
- 31. Housing with wire floors will not be acceptable to the Township. If wire floors must be used, a solid floored sleeping area must be provided and the dog or pup must be given an opportunity to exercise on a larger solid floored area at least three times daily.

Schedule D

APPLICATION FOR KENNEL LICENSE

(Additional Information may be Requested/Required)

New Kennel License

Renewal

Applicant: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Property Owner (if different from above):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

Type of Kennel: (definitions on reverse)  Hobby  Pure-Bred  Commercial

Kennel Location:

Civic Address: \_\_\_\_\_ Con.: \_\_\_\_\_ Lot: \_\_\_\_\_

No. of dogs in kennel: \_\_\_\_\_

Where will dog(s) be housed?

- Kennel Building (new)
- Kennel Building (existing). Constructed in \_\_\_\_\_ [year]
- In Residence  Other \_\_\_\_\_

Site Sketch of Kennel Location Included:

(Required for new or altered)

Hobby Kennel License Renewal:

Have there been any changes in the kennel such as construction changes, increase in the number of dogs above ten, etc?

- Yes
- No

I solemnly declare that the information given in this application is true and complete in all respects. If my application is granted I will abide by all such laws, rules and regulations, matters and things as are or may be, enacted in respect of said operations.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

Roll: \_\_\_\_\_ Decision: \_\_\_\_\_

Zone: \_\_\_\_\_ Fee Paid: \_\_\_\_\_

Other (fencing, kennel requirements met, kennel use permitted, kennel type appropriate):

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

**Kennel Type Definitions**

“Kennel” shall mean any premises, building, cage, or pen, excluding animal clinics and grooming establishments, where four or more dogs are lodged, bred, kept or boarded. A kennel shall be classified as follows:

- i) *“commercial and/or breeding kennel”* is used primarily for boarding of no more that fifteen (15) dogs where the majority of kennel space is devoted to the boarding of dogs owned by persons other than family members or where the primary purpose of the facility is breeding purposes and the number of dogs permitted within such kennels shall be determined at the discretion of the Township Council.
- ii) *“hobby kennel”* where four (4) to eight (8) dogs are housed for the primary purpose of pleasure (pets) or hunting, and where there is no boarding and no revenue derived from the sale of pups from these dogs.

**Kennel License Fees.....\$200.00**

**Grandfathered Kennels.....\$125.00**

**Hobby Kennel License Renewal Fee..... \$30.00**

**Schedule E**

**KENNELS PREVIOUSLY LICENCED**

**GEOGRAPHIC AREA OF THE TOWNSHIP OF KITLEY**

Mardeck Kennel, Marnie Layng  
Concession 9, Part Lot 21  
355 Line 8  
0801-824-039-07000-0000

**GEOGRAPHIC AREA OF THE TOWNSHIP OF ELIZABETHTOWN**

Stephen G. Kirkwood  
10523 Jellyby Road  
08-01-000-045-03300-0000

Alex Stillwell  
7704 7<sup>th</sup> Concession Road  
0801-000-035-07600-0000

Paula Thomson  
8828 Gosford Road  
0801-000-035-08601-000

Angele Cleroux  
7554 County Road 28  
0801-000-040-05602-0000

Elizabeth James  
6232 Foster Hall Road  
0801-000-050-02720-0000

**Schedule F**

**HOBBY KENNEL STANDARDS**

All kennels operated in the Township shall maintain dogs in a clean, secure, and humane manner.

All materials used to house dog(s) must be washable and be able to be sanitized. The building material must be smooth, durable and impervious to facilitate cleaning. All dogs must be provided with food and water. Every area in the kennel or area where dogs are housed shall be maintained in a clean condition. Every area that is used for the housing of dogs shall be, at all time, adequately maintained at a temperature suitable for the health, welfare and comfort of every dog therein.

### Schedule G

#### Permitted Exceptions To Section VII, 7 Location Criteria

- (1) **602 Mother Barnes Rd., Pt. Lot 22, Concession 10, Geographic Township of Kitley; Roll No. 0801 824 039-14201**  
(By-law 11-43) (Whaley/Cooper Property)  
Where Heather Whaley and Gary Cooper are permitted to operate a five (5) dog "hobby kennel" from these premises and fenced yard area on a temporary basis for the lifetime of the dogs currently registered under their care.
  
- (2) **835 Kitley Line 2, Pt. Lot 7 Concession 3 (Geographic Kitley)**  
(By-law 18-45, Lacroix/Epp)  
Where, notwithstanding the provisions of Section VII, 7., Celeste Lacroix and Brian Epp are permitted to operate a hobby kennel from this premise/residence and identified outbuilding on this property, located 340 ft.+/- and 500 ft.+/- respectively from the closest neighbouring dwelling at 831 Kitley Line 2.