

**THE CORPORATION OF THE TOWN OF GEORGINA
IN THE
REGIONAL MUNICIPALITY OF YORK
BY-LAW NUMBER 2015-0034 (REG-1)**

**BEING A BY-LAW OF THE CORPORATION FOR THE
TOWN OF GEORGINA TO LICENCE AND REGULATE
KENNELS, DOGGIE DAY-CARE, PET STORES,
GROOMERS, RESCUES, BROKERS AND CATTERIES**

WHEREAS the *Municipal Act*, S.O. 2001, c. 25 (the *Municipal Act*), as amended, authorizes the Council of a municipality to employ such persons as are deemed necessary for the purposes of the municipality;

WHEREAS Council of the Corporation of the Town of Georgina is empowered under the *Municipal Act* to licence, regulate and govern any business wholly or partly carried on with the municipality even if the business is being carried on from a location outside the municipality;

WHEREAS pursuant to the *Municipal Act* permits a Council of a local municipality to enact By-laws respecting animals; and

WHEREAS pursuant to the *Municipal Act*, a lower-tier municipality and an upper-tier municipality may pass By-laws, respecting matters of economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

WHEREAS pursuant to the *Municipal Act*, permits a Council of a local municipality to enact By-laws respecting business licencing;

WHEREAS pursuant to the *Municipal Act*, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, Chapter 32, Schedule A, s. 8;

WHEREAS Council has determined that licencing kennels, as defined by this By-law, protects the health and welfare of consumers;

WHEREAS Council considers that the regulated operation of kennels could allow for healthy and safe conditions that could impact the health and safety of the animals on the premises as well as occupants of the premises and neighbouring properties;

WHEREAS the Council of the Corporation of the Town of Georgina deems it advisable to enact a new By-law to regulate and licence kennels;

NOW THEREFORE the Council of the Corporation of the Town of Georgina in the Regional Municipality of York enacts as follows:

1.0 DEFINITIONS:

For the purposes of this By-law;

- 1) "ANIMAL CONTROL OFFICER" shall mean a person appointed as such by the Town of Georgina to enforce Town By-laws respecting animals.
- 2) "APPLICANT" shall mean any person whose name appears as the Applicant on any Kennel Licence Application form received by the Town;
- 3) "BODY LENGTH" of a dog means the full length of the dog including the head and tail;
- 4) "BOARDING" shall mean the taking of custody of any animal for the keeping, accommodating, care, training, feeding, grooming, and may include a fee, reward, or compensation at a property other than the animal(s) place of residence;
- 5) "BUSINESS" shall mean a profession, calling, trade or undertaking of any kind whatsoever whether or not carried on for the purpose of profit, gain or otherwise, but shall not include:
 - a. a manufacturing activity or an industry, except to the extent that it sells its products or raw materials by retail;
 - b. the selling of goods by wholesale; or

- c. the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources;
- 6) "BUSINESS LICENCING APPEALS HEARING COMMITTEE" shall mean a committee comprised of three members of council appointed by Council for the purpose of hearing appeals related to licences issued by the Town of Georgina
- 7) "CAT" shall mean a domesticated feline, male or female, whether neutered or spayed, over the age of twelve weeks;
- 8) "CLERK" shall mean the Clerk of the Corporation of the Town of Georgina or designate;
- 9) "CLERK DESIGNATE" shall mean a person appointed by the Clerk to issue, revoke and suspend licences, conduct inspections and investigations of businesses under this and other By-laws;
- 10) "CONSUMER PROTECTION" shall mean fostering a relationship between consumers and businesses;
- 11) "CRIMINAL INFORMATION RECORD" shall mean the results of a Police Information Check completed by a police service recognized by the Ontario Chiefs of Police;
- 12) "COUNCIL" shall mean the Council of the Corporation of the Town of Georgina;
- 13) "DOG" shall mean any domesticated canine, male or female, whether neutered or spayed, over the age of twelve weeks;
- 14) "DOG HOUSE OR CRATE" shall mean a freestanding enclosure offering protection from the elements for a dog or dogs when sleeping or resting;
- 15) "DOG RUN" shall mean an enclosure allowing freedom of movement and exercise for a dog or dogs;

- 16) "DOG OWNER" shall mean and includes a person who keeps or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- 17) "DOG TAG" shall mean a metal tag or token issued for the keeping of a dog, with a serial number and the year issued (or multiple years) under this By-law, from the Town of Georgina evidencing Licencing the dog;
- 18) "DWELLING UNIT" shall mean a room or a series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof; which has a private entrance from outside or from a common hallway or stairway inside the building; and which all occupants have access to all the habitable areas and facilities of the unit;
- 19) "ENCLOSURE" shall mean and include areas where animal(s) are contained and may include an inside or outside area;
- 20) "GUARD DOG" shall mean any dog that has been specifically trained to defend or protect persons or property against intruders or theft and is used exclusively for that purpose;
- 21) "HEALTH AND SAFETY" shall mean matters relating to the personal health, physical safety and mental or emotional well-being of the inhabitants or visitors to the Town;
- 22) "KENNEL" for the purposes of this By-law shall mean any building, structure, premise, or part thereof, or mobile service where dogs, puppies, cats or kittens are bred, kept, raised, trained, groomed, sold or boarded and shall include breeding kennels, boarding kennels, doggie day cares, groomers, pet stores, hobbyist kennels, fancier kennels, rescues, brokers and catteries, as defined by this By-law.

- a) **CLASS I BREEDING** - shall mean any building, structure, premise or part thereof used for the purposes of breeding or keeping dogs;
 - I. **BREEDING KENNEL, LEVEL I** shall mean a breeding establishment that is operated within a dwelling house, does not have any external structures associated with the kennel and shall not exceed eight (8) dogs over 20 weeks of age;
 - II. **BREEDING KENNEL, LEVEL II** shall mean a place, structure or facility, other than a dwelling house, where more than three (3) but less than twenty (20) dogs over 20 weeks of age are bred, raised or trained;

- b) **CLASS II DOGGIE DAY CARE/GROOMER** - shall mean both Doggie Day Care/Groomer Class I & II
 - I. **DOGGIE DAYCARE/GROOMER, CLASS I** shall mean a place or facility where more than three dogs or cats but not more than nine dogs or cats at once, are kept, groomed or boarded but no dogs or cats are kept or boarded for commercial purposes between the hours of 7:00 p.m. and 7:00 a.m.
 - II. **DOGGIE DAYCARE/GROOMER, CLASS II** shall mean a place or facility where more than nine dogs or cats are kept, groomed or boarded at once, but no dogs or cats are kept or boarded for commercial purposes between the hours of 7:00 p.m. and 7:00 a.m.

- c) **CLASS III BOARDING** – shall mean a place or facility used for the purpose of boarding dogs or cats for a period longer than 12 hours and shall include a facility where dogs are kept overnight for training purposes and shall also include a

- breeding kennel where dogs not legally belonging to the operator are kept for purposes other than breeding;
- d) **CLASS IV PET STORES** - shall mean every shop, place, establishment or premises engaged in the sale of animals and/or species. All dogs, puppies, cats and kittens shall solely be obtained from one of the following sources: municipal animal shelters, registered humane societies, registered shelters or rescue groups and shall not exceed 20 animals and/or species.
 - e) **CLASS V HOBBYIST** – shall mean any place, premise or facility where dogs are kept or bred for the sole purpose of routinely entering into dog races of any kind or hunting dogs are kept or bred for hunting purposes and shall not exceed ten (10) dogs over the age of 20 weeks.
 - f) **CLASS VI FANCIER** – shall mean any place, premise or facility where dogs or cats are bred or kept for exhibition or for organized shows, for the enjoyment of the species and not bred for commercial or profit purposes. The place, premise or facility is used for the purpose of training of dogs or cats for showing or exhibition or similar function normally associated with a training or show kennel. A Fancier Kennel shall not exceed ten (10) dogs or cats over the age of 20 weeks;
 - g) **CLASS VII RESCUE**– shall mean any building, structure, premise or part thereof used for the purpose of harbouring rescued dogs or cats for an extended period of time. A rescue shall not exceed twenty (20) dogs or cats over the age of 20 weeks;
 - h) **CLASS VIII CATTERY** – shall mean any building, structure, premise or part thereof used for the purpose of breeding cats both purebred and non-

purebred. A Cattery shall not exceed ten (10) cats over the age of 20 weeks;

- i) CLASS IX BROKER – shall mean any person or corporation who facilitates the sale or purchase of dogs, puppies, cats or kittens, but does not fall within the definition of Kennel Class I - VIII

24)“KENNEL SHELTER” shall mean an enclosed area in a kennel structure or building offering protection from the elements for a dog or dogs when sleeping or resting;

25)“LICENCE” shall mean the official document issued by the Town under the provisions of this By-law bearing the signature of the Clerk Designate authorizing a person to carry on a trade or activity or conduct a Kennel which includes the authorization under this By-law to carry on the trade, business or activity;

26)“LICENCED PREMISES” shall mean a premise which has a valid and current licence issued under this By-law as proof of licencing under this By-law;

27)“LICENCEE” shall mean a person, business or corporation which holds a current and valid kennel licence issued by the Town of Georgina;

28)“LOT” shall mean a parcel or tract of land which is legally distinct and separate ownership or which is shown on a registered plan of subdivision. A registered plan of subdivision, for the purpose of this paragraph, does not include a plan which is deemed not to be a registered plan of subdivision by a By-law passed under the Planning Act upon which a temporary or permanent structure is used as a residence;

29)“MEDICAL OFFICER OF HEALTH” shall mean the senior government official appointed as the Medical Officer of Health by the Regional Municipality of York;

- 30)“MICROCHIP IMPLANT” shall mean an electronic device implanted under the skin of a dog or cat so that the dog or cat can be identified at all times by local authorities;
- 31)“NUISANCE” shall mean to be offensive or annoying to an individual or the community;
- 32)“OBSTRUCT” shall mean to hinder, mislead, knowingly provide false information or make a false claim or statement or to prevent the execution of a duty;
- 33)“OFFICER” shall mean any persons appointed by the Corporation of the Town of Georgina or other authority to enforce the provisions of the By-law as the Clerk Designate, Provincial Offences Officers, Municipal Law Enforcement Officers, Police Officers, Medical Officer of Health, OSPCA or Animal Control Officers;
- 34)“OSPCA” shall mean the Ontario Society for the Prevention of Cruelty to Animals;
- 35)“OWNER” shall mean a person who, alone or with others, owns or controls the trade, calling, business or occupation carried on a Pet Shop or Kennel. Owner includes a lessee of a business or premises upon which the business is located and which the person who is the individual or corporation who is the registered owner or Lessee of tenant or licensee in respect of the premises which are utilized as a kennel;
- 36)“PERSON” shall mean and include any individual, corporation, organization, partnership company, association, party or agent and their heirs, executors, administrators or other legal representatives of a person to who the context can apply according to law, and shall include any group of persons comprising a society or other organization and shall include the plural and includes a natural individual, and their heirs, executors, administrators or other legal representatives, a

corporation, partnership or other form of business association or a receiver or mortgagee in possession; person includes a natural individual, a corporation, association or partnership;

37) "POLICE" shall mean the York Regional Police or other police agency recognized by the Ontario Chiefs of Police Association;

38) "PUPPY" shall mean any dog, male or female, twelve weeks of age or younger;

39) "PUREBRED" shall mean:

- a) Registered or eligible for registration in the register of the Canadian Kennel Club Inc. or the American Kennel Club; or
- b) Recognized as such pursuant to the Animal Pedigree Act (Canada);

40) "SERVICE DOG" shall mean a type of assistance dog specifically trained and actively used to assist people who have disabilities or illnesses;

41) "SHALL" means mandatory and not discretionary; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense;

42) "SITE PLAN" shall mean a drawing of a site which includes all applicable measurements of the kennel and the surrounding area within 200 metres/ 656 feet of the site and on which all buildings and structures, streets or other landmarks are indicated;

43) "TATTOO" shall mean a permanent ink marking located on the skin of the dog or cat so that the dog or cat can be identified at all times by local authorities;

- 44) "THRESHOLD SCREENING" shall mean the Town of Georgina Threshold Screening Policy used for the purpose of determining an applicant's eligibility based on the results of the Police Information Check;
- 45) "TOWN SHELTER" shall mean the animal shelter operated by the Town of Georgina;
- 46) "TOWN" shall mean The Corporation of the Town of Georgina;
- 47) "VETERINARIAN" shall mean a person licenced to practice veterinary medicine pursuant to the *Veterinarians Act*, R.S.O. 1990, Chapter V.3, as amended.
- 48) "ZONING BY-LAW" shall mean the Comprehensive Zoning By-law for the Corporation of the Town of Georgina and all subsequent amendments;

2.0 PURPOSE

- 1) The purpose of the Town's licencing requirements for kennels, as set in this By-law are related to matters of health and safety and consumer protection.
- 2) The Council of the Corporation of the Town of Georgina has deemed it expedient to pass a By-law to licence, regulate and govern kennels within the Town of Georgina to ensure health and safety and consumer protection by requiring licencing, registration, and inspections.

3.0 PROTECTIVE CARE

- 1) The Animal Control Supervisor is authorized to:
 - 1) Receive animals pursuant to an eviction, incarceration, fire or medical emergency, or for any other situation that the Clerk or the Animal Control Supervisor deems appropriate;

- 2) Temporarily keep such animals for a maximum of five (5) days or as otherwise agreed upon with the Animal Control Supervisor;
- 3) Charge the owner the current per diem sheltering fee and all costs for the required veterinary medical care, when the animals are redeemed; and
- 4) Charge the owner the current per diem sheltering fee and all costs for the required veterinary medical care, when the animals are redeemed, and at the end of the five (5) days protective care period, unless other arrangements are agreed to between the owner and the Town, treat such animals as day-one impounded animals.

4.0 ADMINISTRATION

1) Terms and Conditions

- 1) No person shall own, operate, manage, control, supervise, or have on any property, any kennel as defined within this By-law within the Town of Georgina without first having obtained a licence from the Town to do so.
- 2) Every owner shall take out a separate licence for each kennel, location or premise owned or operated by them and the licence shall be displayed and visible at all times.
- 3) No person shall alter, erase or modify a licence or allow the alteration, erasure or modification of a licence without the approval of the Clerk Designate.
- 4) Every person applying for or holding a licence under this By-law shall observe and comply with and be governed by the regulations set out in this By-law, the respective provisions to this By-law or any amending By-laws which relate to such person.
- 5) Every person, at the time of application for a licence, shall ensure that the business is not located at any place

other than in a location permitted as set out in this By-law.

- 6) No licence shall be issued for any kennel at a location where, by reason of nuisance, noise, health, or humane reasons, it would be undesirable to have a kennel as determined by the Clerk Designate.
- 7) No licence shall be issued to any applicant under the age of 18 years.
- 8) Upon receipt of an application the Clerk may forward a copy of the application to the York Regional Police, Finance, Planning and Building, Fire and Emergency Services, and any other applicable municipal departments, organizations and/or agencies for clearances as required.
- 9) Upon receipt of an application, the Clerk may make, cause to be made, or request, any additional documents, investigations or inspections to be made in respect of such application for licence as the Clerk may deem appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the Applicant's expense.
- 10) The signature of the Applicant and Registered Owner of the property on which the kennel is located are required on the application form, and shall be deemed as permission for an Officer to enter the premises named in the application at any reasonable time in order to carry out the inspections required.
- 11) Council reserves the right to refuse a licence for a kennel in any place that it may deem undesirable as a location for a kennel but this By-law shall not apply to a kennel by reason only of its location where such kennel was in existence and operating at such location at the time of the coming into force of this By-law.

2) Clerk Designate – Responsibilities

- 1) To receive and process all applications for licences, including renewals thereof;
- 2) To perform all the administrative functions conferred upon him/her by this By-law;
- 3) To make or cause to be made all investigations and inspections which he/she deems necessary to determine whether an applicant is in compliance with the requirements of this By-law and all applicable laws;
- 4) To issue licences or renewals to persons who meet the requirements of this By-law; and
- 5) To refuse, suspend or revoke business licences pursuant to the provisions of this By-law.

5.0 APPLICATION – KENNEL CLASS I – IV, VII (in a facility), VIII and IX

- 1) Every Applicant for a Licence or renewal of a Licence under this By-law shall complete an application, in writing on the form approved by the Clerk;
- 2) The applicable licence fee, as set out in Appendix “A” of this By-law;
- 3) A Police Information Check
 - a. Owners/Operators/Applicants shall submit a Police Information Check annually dated within 60 days of the application;
 - b. Adult staff having contact with the dogs or cats or working within the kennel shall submit a Police Information Check, dated within 60 days of the application, the 1st year of hire and every 3rd year after. A declaration regarding criminal charges or convictions sworn in front of a commissioner of oaths or notary

public shall be required every year in-between Police Information Checks;

- c. Staff under the age of 18 shall, under the supervision of an adult witness, be required to sign a declaration in front of a commissioner of oaths or notary public;
- 4) Proof of Canadian citizenship, landed immigrant status or a valid employment authorization issued by the Government of Canada;
- 5) Certificate of Insurance providing proof of Commercial General Liability Insurance in the minimum amount of Two Million Dollars (\$2,000,000) Premise Liability, Personal Injury Liability, Broad form Property Damage, Blanket Contractual Liability and Contingent Employer's Liability Coverage. The Town of Georgina shall be given thirty days (30) prior written notice of any cancellation or expiration or variation in the amount or coverage of the policy;
- 6) If Applicant is not the property owner/manager, provide consent from the property owner or property manager permitting the operation of a kennel to be located on their property and authorizing the Applicant to conduct such business;
- 7) A site plan of the property of the kennel location showing all buildings, structures and runs on the premise, whichever is applicable;
- 8) Proof of Harmonized Sales Tax (HST). registration and number, if applicable;
- 9) Be 18 years of age and provide proof of date of birth;
- 10) If the Applicant is an individual, the Applicant shall file with the application his legal name, birth date and mailing address;
- 11) Current photographic identification of the Applicant must be presented at the time of application;

- 12) If the Applicant is an individual, the Applicant shall provide a current business registration or master business licence;
- 13) If operating in a name other than the Applicant's own name, the Applicant must submit a current Business Names Report certified by the Ministry of Consumer and Business Services, where the Applicant's name is not that of a natural person or corporation;
- 14) If operating as a Corporation, the Applicant must submit a current Corporation Profile Report certified by the Ministry of Consumer and Business Services;
- 15) If the Applicant is a corporation, the Applicant shall file with the Clerk at the time of application the legal name, birth date and current residential and mailing address of every officer and/or director of the corporation and shall also provide the current mailing address of the corporation. The Applicant shall be responsible for maintaining a current list of officers and directors including the legal name, birth date and most recent residential and mailing address with the Clerk at all times;
- 16) A complete list of all dogs or cats kept on premises stating name, breed, age and sex;
- 17) Current veterinary reports for all dogs or cats kept on premises showing the following
 - a. All vaccinations are up to date;
 - b. The dog or cat is in good health; and
 - c. Number of times per year the dogs or cats were bred.
- 18) Applicable dog tag licence fee as set out in Schedule "A" attached to this By-law;
- 19) Satisfy the Clerk that the proposed area meets the following criteria for designated area location identified;

- a. Confirmation that all fees, fines, court costs or other outstanding fees or fines in relation to a business have been paid in full; and
- b. All property taxes are current and paid to the Town.

20) The Clerk Designate shall not process an application where that application is incomplete;

21) An application will be deemed incomplete where:

- a. Required information has not been provided on the application form;
- b. Information or documentation required by the Clerk Designate as part of the application process has not been provided;
- c. The prescribed licence fee or late fee is unpaid;

22) Where the Clerk Designate receives an incomplete application, the Clerk Designate shall, where an address or other contact information has been provided, notify the applicant that the application is incomplete and of the steps required to complete the application;

23) Where Clerk Designate decides an application is incomplete, the applicant shall have the right to appeal that decision to the Licencing Appeals Hearing Committee

24) If the Clerk Designate is unable to determine whether an application is incomplete, he/she may refer the matter to the Clerk.

6.0 APPLICATION – KENNEL CLASS V, VI AND VII (in home)

- 1) Every Applicant for a Licence or renewal of a Licence under this By-law shall complete an application, in writing on the form approved by the Clerk;

- 2) The applicable licence fee, as set out in Appendix "A" of this By-law;
- 3) A Police Information Check for all persons breeding, boarding, training or showing the dogs or cats completed as per the following
 - a. Owners/ Applicants shall submit a Police Information Check annually dated within 60 days of the application;
 - b. Adult staff having contact with the dogs or cats or working within the kennel shall submit a Police Information Check, dated within 60 days of the application, the 1st year of hire and every 3rd year after. A declaration regarding criminal charges or convictions sworn in front of a commissioner of oaths or notary public shall be required every year in-between Police Information Checks;
 - c. Staff under the age of 18 shall, under the supervision of an adult witness, be required to sign a declaration in front of a commissioner of oaths or notary public;
- 4) Proof of permanent residency in Georgina;
- 5) Copy of current home insurance from a recognized insurance company insuring the owner for general liability, property damage, personal injury or death to any person;
- 6) If applicant is not the property owner/manager, provide consent from the property owner or property manager permitting the operation of a kennel to be located on their property and authorizing the Applicant to conduct such business;
- 7) A site plan of the property of the kennel location showing all buildings, structures and runs on the premise, whichever is applicable;
- 8) Be 18 years of age and provide proof of date of birth;

- 9) Photographic identification of the Applicant must be presented at the time of application;
- 10) A complete list of all dogs and cats kept on premises stating name, breed, age and sex;
- 11) Current veterinary reports or certificates of health for all dogs and cats kept on premises showing the following
 - a. All vaccinations are up to date;
 - b. The dog or cat is in good health;
 - c. Number of times per year the dog(s) or cat(s) were bred.
- 12) Applicable dog tag licence fee as set out in Schedule "A" attached to this By-law;
- 13) Satisfy the Clerk Designate that the proposed area meets the following criteria for designated area location identified;
 - a. Confirmation that all fees, fines, court costs or other outstanding fees or fines in relation to a business have been paid in full; and
 - b. All property taxes are current and paid to the Town.
- 14) The Clerk Designate shall not process an application where that application is incomplete as per section 5 (21) (a-c) of this By-law;
- 15) Where the Clerk Designate receives an incomplete application, the Clerk Designate shall, where an address or other contact information has been provided, notify the applicant that the application is incomplete and of the steps required to complete the application;
- 16) Where Clerk Designate decides an application is incomplete, the applicant shall have the right to appeal that decision to Council or a Committee of Council;

17) If the Clerk Designate is unable to determine whether an application is incomplete, he/she may refer the matter to Clerk or a Committee of Council for consideration.

7.0 INSURANCE

- 1) The Town of Georgina shall be given thirty days (30) prior written notice of any cancellation or expiration or variation in the amount or coverage of the policy;
- 2) For the purpose of ensuring consumer protection, the insurance policy must be current at all times during the term of the licence and the Licencee shall provide proof of current insurance upon demand of the Clerk Designate;
- 3) Where the Applicant's Insurance Policy expires during the term of the Licence, or in the case where the Licencee changes insurance providers, the Licencee is responsible for notifying the Town of Georgina of the change prior to the expiry of the current policy, and the Licencee must provide copies of the current and accurate insurance information;
- 4) When the Licencee ceases to have current and valid standard General Liability insurance in good standing, the Licence shall be deemed to be suspended as of the date on which the cessation of insurance came to the attention of the Clerk or Designate. The Licence shall only be reinstated on there being delivered to the Clerk, written proof of insurance in accordance with the provisions of the By-law;
- 5) When the Licencee cancels their current insurance before the expiry date of the policy, the Licencee must produce a Certificate of Insurance of the newly acquired insurance, or return the Licence to the Town of Georgina on the date of the cancellation of insurance.

8.0 TRANSFERABILITY

- 1) Every licence issued under this By-law shall be personal to the holder indicated and shall not be transferrable from person to person or location to location;
- 2) No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, cancellation, revocation, or suspension thereof, the licence shall be the property of the Town;
- 3) No person shall publish or cause to be published any representation that they are licensed, if they are not licenced by the Town;
- 4) A licence shall be deemed to be cancelled immediately if change of ownership or location, or upon discontinuation of the business. The applicant must immediately make application for a new licence under the provisions of this By-law and shall surrender to the Clerk the licence issued in respect of the previous location or premises. Within 24 hours.

9.0 THE CLERK DESIGNATE SHALL NOT ISSUE A LICENCE UNTIL:

- 1) All required approvals, documentation and inspections have been obtained;
- 2) Staff have made inquiries into all relevant matters in order to ascertain if the Applicant is entitled to obtain a licence under the provisions of the By-law;
- 3) Staff have made any inquiries to any Municipal Officers or employee who has carried out inspections or investigations relative to the business application;
- 4) Staff have inquired into any and all relevant changes in circumstances since a previous licence was issued;
- 5) Staff has received reports from such Municipal Officers or employees as may be deemed necessary;

- 6) All licence fees have been paid in full and all property taxes are current and paid to the Town as a condition of licencing;
- 7) If any clearance or other information adverse to the application is received by the Clerk Designate, such application and all information shall be forwarded to the Clerk for decision after due consideration of the application, whether a licence is to be granted.

10.0 COMPLIANCE WITH OTHER LAWS REQUIRED

The issuance of a licence under this By-law does not:

- 1) Permit or condone the violation of any By-law, statute or other regulation in effect within the Town of Georgina, the Province of Ontario or the Government of Canada and shall be the responsibility of the Licencee to ensure that such applicable legislation is complied with at all times;
- 2) Relieve the Licencee from obtaining any other licences or permits which may be required by this By-law or any statute, regulation or other By-law;

11.0 TERM / DURATION OF LICENCE

- 1) The licence shall be taken out annually and shall expire on June 30 of the following year;
- 2) Applications for renewal shall be received by the Clerk or Designate no later than May 1 preceding the expiry date;
- 3) Every licence renewed after May 1, shall be subject to an initial late penalty fee of 50% of the original licence fee. Every month late thereafter will incur an additional 15% late penalty per month;
- 4) The penalty will be added on the first day of each month;
- 5) Every licence purchased shall be subject to the full annual fee for such licence and any late penalties.

12.0 CHANGE OF INFORMATION OR OWNERSHIP

- 1) Every Applicant or Licencee shall carry on in the Town of Georgina in the name which is set out on the licence and shall not carry on in any other name unless they have first notified the Clerk Designate;
- 2) When an Applicant or Licencee changes their name, address or any information relating to their licence, they shall notify the Clerk Designate within seventy-two (72) hours of the change of address or any other information relating to their licence and shall return the licence immediately to the Clerk Designate for amendment;
- 3) When the Applicant or Licencee is a corporation, and there is any change in the following information given on the application namely: the names and addresses of the officers and directors, the location of the corporate head office, change of ownership or share, the Licencee shall report the change to the Clerk Designate within seven (7) days of the change, and if necessary, the Licence shall be returned immediately to the Clerk Designate for amendment;
- 4) A licence shall be deemed to be cancelled immediately upon change of ownership or location of the business, or upon discontinuation of the business. The Applicant must immediately make application for a new licence under the provisions of this By-law and shall surrender to the Clerk Designate the licence issued in respect of his previous location or premises.

13.0 INSPECTION OF PREMISES AND EQUIPMENT

- 1) The Town may enter or inspect any vehicle, building, place or premise used in the operation of a kennel licenced, regulated or governed under the provisions of this By-law at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with;
 - a. any provision of this By-law;

- b. an order issued under this By-law; or
 - c. an order made under Section 431 of the *Municipal Act*.
- 2) Where an inspection is conducted by the Town, the person conducting the inspection may;
- a. Require the production for inspection of documents or things relevant to the inspection;
 - b. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. Require information from any person concerning a matter related to the inspection including such person's name, address, phone number and identification; and
 - d. 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.
- 3) The Town of Georgina's power of entry may be exercised by an employee, officer or agent of the Town, by a member of York Regional Police, a member of the OSPCA and/or by any person under the direction of one of the aforementioned persons;
- 4) The Clerk Designate may engage such inspectors, officers or any other persons duly authorized by Council, as may be necessary to carry out the administrative function and enforcement of this By-law;
- 5) Every Applicant or Licencee shall permit all inspections by an Officer as may be required at any reasonable time to ensure compliance with the By-law;
- 6) Upon an inspection, the Applicant or Licencee shall produce upon request all licences, invoices, records or other like documents relevant for the purposes of the

inspection and the person inspecting shall be permitted to photocopy such documents;

7) No person carrying on or engaged in a licence under this By-law shall:

- a. Hinder or obstruct or attempt to hinder or obstruct any person exercising a power or performing a duty under this By-law;
- b. Provide false or misleading information to any person having authority for the enforcement or administration of this By-law;
- c. Fail to identify oneself, where required by this By-law, upon the request of an Officer;
- d. Fail to surrender a licence upon demand of any Officer having authority under this By-law;
- e. Prevent, bar, or delay inspection of an Officer pursuant to this By-law; and
- f. Refuse admission to an Officer to inspect a premise licenced under this By-law.

8) Every person who:

- a. Is required to obtain a licence under this By-law;
- b. Is an Applicant or Licencee under this By-law; or
- c. Is in possession of a licence issued under this By-law

Shall identify themselves, with identification as defined in this By-law, to an Officer upon request while such Officer is executing their duties in relation to this By-law;

9) The refusal by any such person to identify themselves, immediately upon request by an Officer in accordance with the provisions of the By-law shall constitute obstruction under this By-law.

14.0 FORM OF LICENCE

- 1) Every licence shall show the following details:
 - a. The operating name of the kennel and the person to whom the licence was issued;
 - b. The category and type of licence granted
 - c. The number of the licence;
 - d. The date of the issuance;
 - e. The date of the expiration;
- 2) The licence shall be signed by the Clerk Designate.

15.0 DISPLAY OF LICENCE

- 1) Every person issued a licence under this By-law, where such licence is applied to a premises, shall ensure that the original licence, or duplicate licence issued by the Town, for the current year for a kennel when the licence is in effect, is posted in a location clearly visible to persons approaching the premises;
- 2) Except as otherwise stated in this By-law, no person shall carry a licence issued by the Town, while engaging in the business for which the licence was issued, other than the person to whom it was issued;
- 3) Every person who is in possession of a Replacement Licence while engaged in the business, for which this licence was issued, must produce, upon request by an Officer, identification for the purpose of confirming that the carrier of the licence is the person to whom the licence was issued;
- 4) In addition to any other remedy available to the Town, the Licencee shall surrender said licence to an Officer until such time as identification is produced, which will constitute a suspended licence under the provisions of this By-law;

- 5) No Applicant or Licencee shall advertise or promote or carry on the kennel under any name other than the name endorsed upon the licence issued to the Licencee.

16.0 RECORDS

- 1) In addition to the inspections required, every owner or operator of a kennel as defined by this By-law shall allow any records required to be kept by this By-law to be inspected by any Municipal Law Enforcement Officer, Police Officer, officer of the Ontario Society for the Prevention of Cruelty to Animals, the Clerk Designate or any other officer as designated by Council;
- 2) Maintain and make readily available to personnel at all times written animal care procedures dealing with, amongst other matters, methods of handling animals, sickness, injury or death and contact information for a veterinarian.

17.0 RECORDS REQUIRED TO BE KEPT BY KENNEL OWNER

- 1) KENNEL CLASS I & VIII
 - a) The number, names, breed, description, age and number of times bred per year for every dog or cat kept on premise;
 - b) The names and addresses of every purchaser, date sold;
 - c) Veterinary records for all dogs, puppies, cats or kittens sold showing health check clearance;
 - d) Documentation showing microchip or tattoo procedure for all dogs, puppies, cats or kittens;
 - e) All sales contracts; and
 - f) Current veterinary records for every dog or cat kept on premises.

2) KENNEL CLASS III

- a) The names and addresses of the owners of all dogs, puppies, cats and kittens cared for at the kennel;
- b) The dates of arrival and departure of all dogs, puppies, cats and kittens;
- c) Confirmation of current vaccinations for rabies, distemper, hepatitis and parvovirus or veterinarian certificate of health; and
- d) The number and breed of dogs owned by the kennel operator.

3) KENNEL CLASS IV

- a) Date of arrival of animals and species;
- b) Current veterinary records for all animals/species kept on premises;
- c) Date of sale of all animals/species; and
- d) Name and address of all purchasers.

4) KENNEL CLASS V

- a) Adoption, birth or purchase records for all dogs kept on premises;
- b) Current veterinary records for all dogs kept on premises; and
- c) All records showing competition in races or other similar events.

5) KENNEL CLASS VI

- a) Birth or purchase records for all dogs or cats;
- b) Current veterinary records for all dogs or cats; and
- c) Current records showing enrolment in shows or exhibitions.

6) KENNEL CLASS VII & IX

- a) Date of arrival of all dogs or cats;
- b) Current veterinary records for all dogs or cats; and
- c) All adoption details – name, address, phone number of applicants.

18.0 KENNEL CONSTRUCTION

Every person who owns or operates a kennel, as defined by this By-law, which uses accessory buildings for the purpose of the kennel shall:

- 1) Construct the kennel facilities in accordance with the regulations set out in this and other Town By-laws, Provincial and/or Federal legislation;
- 2) Ensure it conforms to the Ontario Building Code and is maintained in such a manner as to be safe and appropriate permits submitted;
- 3) With accessory buildings, shall ensure it is constructed in compliance with the setback distance requirements of the Town's Zoning By-law for accessory buildings;
- 4) Ensure it meets the lot size requirements as set out in Schedule "C" of this By-law;
- 5) Ensure that the portion of the building being used for the operation has a floor and walls made of sealed concrete or other impermeable material and shall not be made from painted wood;
- 6) Kennel buildings or structures which do not provide access to an outdoor run from within each kennel enclosure shall ensure the floor of the kennel building or structure shall be self-draining and have a drain opening constructed as a plumbing fixture and maintained in functioning condition at all times. A plumbing permit issued by the Town of Georgina is required for the installation of the drain;

- 7) Kennel Class V, VI, VII and VIII and Breeding Kennel Level 1 shall be exempt from Section 18 of this By-law providing they do not have any structures or buildings outside the dwelling house used for kennel purposes;
- 8) The use of a detached structure to house any dogs or cats under this By-law shall not be permitted on any property unless the property also contains a residential dwelling;
- 9) The use of a detached structure to house any dogs or cats under this By-law shall only be permitted in the interior side yard or rear yard of a property as defined under the Zoning By-law, as amended with the exception of properties in the Rural (RU) zone where such a detached structure may be permitted in any yard;
- 10) For the purposes of this By-law, no accessory structure intended to or housing up to 10 dogs or cats, given lot size requirements as per Schedule "C" of this By-law, shall not be located less than Five (5) metres from any property line;
- 11) For the purposes of this By-law, no accessory structure intended to, or housing 11 – 20 dogs or cats, given lot size requirements as per Schedule "C" of this By-law, shall not be located less than eight (8) metres from any property line;
- 12) Notwithstanding 3) and 4) above, for a detached structure housing any number of dogs or cats on a property in the Rural (RU) zone in the Zoning By-law, as amended, the minimum setback from the front lot line as defined under the Zoning By-law, as amended shall be fifteen (15) metres.

19.0 KENNEL CONDITIONS

KENNELS CLASS I – IX

Every person who owns or operates a kennel as defined by this By-law shall:

- 1) Ensure the facility or operation's floor shall be thoroughly cleaned at least once every day or more often as may be necessary to keep the floor clean;
- 2) Ensure the facility or operation and associated surrounding areas shall be maintained in a sanitary, adequately ventilated and clean condition free from vermin and offensive odours;
- 3) Ensure all food and water bowls in use shall be made of stainless steel and shall be cleaned and disinfected each day;
- 4) Ensure water bowls or devices shall be of a non-spill, functional design and shall be designed to be easily disinfected;
- 5) Ensure all animals be kept in sanitary, well bedded, well ventilated and clean quarters at all times;
- 6) Ensure all quarters shall be adequately lit and have both natural and artificial light sources;
- 7) Ensure all animals shall be fed and watered or adequately nourished as per commercial or veterinarian recommendations for the breed and size each day and kept in a clean and healthy condition free from vermin and disease;
- 8) Ensure an exercise area shall be provided so as to enable each dog and puppy to exercise freely and easily so as to maintain physical health and wellbeing;
- 9) Ensure all animals receive exercise a minimum of 3 times each day as per recommended veterinary standards for the breed;
- 10) Ensure the facilities shall be maintained at a healthful temperature at all times for the health, welfare and comfort of every animal therein and adequate

supplemental heat or air conditioning shall be provided as necessary;

- 11) Ensure where indoor runs do not have heated floors, a bedding box with proper and clean bedding shall be provided;
- 12) Ensure all bedding material provided shall be clean and sanitary and changed regularly;
- 13) Ensure the yards and runways associated with the facility or operation shall be cleaned at least once daily when in use;
- 14) Ensure the excreta, dead animals and other waste resulting from the keeping of any dogs, puppies, cat or kittens shall be removed from the premises as necessary and in accordance with any applicable By-laws, laws or regulations and also in accordance with any guidelines of the Regional Municipality of York and in a manner that avoids any offensive odours from emanating to surrounding properties;
- 15) Ensure each crate or pen used for the housing of a dog, puppy, cat or kitten shall be of an adequate size and so constructed and maintained so that:
 - a) Every dog, puppy, cat or kitten in the crate or pen may comfortably extend its legs and body to its full natural extent;
 - b) Stand to its full height;
 - c) Sit and lie down in a fully extended position;
 - d) Turn around easily;
 - e) Move about easily for the purpose of posture adjustments;
 - f) Crates or pens are not stacked any higher than 2;

- g) It is not likely to harm any dog, puppy, cat or kitten therein;
 - h) Is in good working condition;
 - i) Any dog, puppy, cat or kitten therein cannot readily escape therefrom;
 - j) It may be easily cleaned and disinfected;
 - k) Has a solid base soundly constructed of hard, durable material which is impervious to water, or which is disposable and replaceable;
 - l) That the base is not constructed of wire or if it is constructed of wire, a surface or bedding is provided to afford the animals' paws relief from the wire; and
 - m) Is maintained in a clean and sanitary condition at all times with all waste material removed at least twice daily.
- 16) Ensure that at least one person is on site or on call with a contact number clearly posted outside of the facility or on the property at all times when dogs, puppies, cats or kittens are present and shall ensure that care is provided in accordance with this By-law and that each dog, puppy, cat or kitten's medical emergencies or health issues are dealt with in a timely fashion;
- 17) Class V & VI shall be exempt from Section 20 (16) of this By-law with regards to placing a contact number on the outside of the facility.
- 18) Ensure that each dog coming into the facility is current in its vaccinations against rabies, distemper, hepatitis and parvovirus or has a veterinarian certificate or titre stating these vaccinations are not required;

- 19) Every kennel as defined by this By-law shall be provided with adequately shaded, open air runs, properly fenced to maintain control of all animals and with adequate space to accommodate the breeds of dogs or cats being housed unless otherwise approved by the Town;
- 20) The yards and runways associated with the breeding kennel or boarding kennel operation shall be completely enclosed with a solidly constructed fence so as:
 - a) to obstruct fully the visibility of the neighbouring properties from the animals as reasonably possible given the grade of the property and the Town's fencing restrictions; and
 - b) to prevent the animals from escaping from the premises.

20.0 BREEDING REQUIREMENTS

Every owner or operator of a kennel as defined by this By-law shall:

- 1) Not breed a female dog
 - a) Before she is two (2) years of age;
 - b) After she is six (6) years of age;
 - c) More than once per calendar year;
 - d) Owners or operators of a kennel may be exempt from Section 20(1) (a) & (b) of this By-law if a current certificate of health is produced from a recognized, certified veterinarian stating the dog is in a state of good health and that breeding the dog would not have any negative impact on their wellbeing.
- 2) Maintain any whelping bitch in separate accommodation from the other dogs and shall provide a space for the

whelping bitch and her puppies in her litter that is at least 2.5 times the length and width that would otherwise be required for that dog under this By-law;

- 3) Ensure that the whelping box required shall be constructed with sides and a base made from impermeable materials;
- 4) Every owner or operator of a Class I, II, V, VI, VII and VIII kennel shall cause all dogs or cats kept on premise to be veterinarian checked yearly and inoculated as per current veterinary protocol and ensure that health problems of dogs and puppies, cats and kittens are dealt with immediately and appropriately;
- 5) Every owner or operator of a Class I, IV, V, VI, VII, VIII and IX kennel shall cause all dogs or puppies, cats or kittens to be vet checked and cleared for health and parasites prior to any sale;
- 6) Every owner or operator of a Class I, IV, V, VI, VIII & IX shall either microchip or tattoo all puppies, dogs, cats or kittens prior to any sale, shall register with the appropriate agency and shall keep record of this procedure.
- 7) Every owner or operator of a Class VI kennel housing 2-3 dogs or cats and located on a property of less than .50 acres shall only be permitted up to 2 litters per year, 1 litter per dog or cat.

21.0 IMMUNIZATION

- 1) Every person who holds licence under this By-law or is the operator of the kennel shall not admit any animal into the kennel unless it is immunized against distemper, hepatitis, rabies and parvovirus or has veterinarian certificate or titre stating these vaccinations are not required;

- 2) If a veterinarian confirms that a kennel has an outbreak of distemper, hepatitis, rabies, parvovirus, or any infectious or contagious disease, the kennel shall forthwith report the outbreak to the Clerk Designate and the kennel may be closed by the Clerk Designate or other persons appointed by Council and the licence suspended;
- 3) The kennel may reopen and have its licence reinstated by the Clerk Designate upon a written report from the veterinarian that danger of disease is past;
- 4) The section shall be enforced by Municipal Law Enforcement or Animal Control pursuant to the *Municipal Act* or the Medical Officer of Health of the Regional Municipality of York pursuant to the provisions of the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*, as amended.

22.0 NOISE

- 1) Every person who holds a licence under this By-law or is the operator of the kennel shall at all times take the necessary steps to prevent a nuisance by undue noise, caused by the barking of dogs housed within the premises.

23.0 PROHIBITIONS

- 1) No person shall represent himself as to be licenced pursuant to this By-law unless he is so licenced;
- 2) No person licenced pursuant to this By-law shall for reason of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age marital status, family status or disability, discriminate against any member of the public;
- 3) No person licenced under this By-law shall in respect of any disabled person;

- a) Refuse to provide a service in any manner to such person;
- b) Refuse to permit such a person to enter into or upon any place, premise, vehicle or thing to which the licence relates to; or
- c) Refuse to permit such a person to remain in or upon such place, premise vehicle or thing;

By reason only of the presence of such disability.

24.0 REPLACEMENT LICENCE

- 1) In the event that a Licence issued in accordance with this By-law is lost or destroyed, the Clerk Designate upon satisfactory proof of such loss or destruction and upon payment of a replacement fee as set out in "Appendix A" shall issue a replacement of the original Licence to the Licencee, upon which shall be stamped or marked "REPLACEMENT".

25.0 CLERK DESIGNATE'S POWER TO REFUSE A LICENCE AND GROUNDS FOR REFUSAL

1) Powers to Refuse a Licence

- 1) As per the *Municipal Act*, the Clerk Designate is appointed by the Town of Georgina and is delegated the authority to refuse, revoke or suspend licences where the applicant or licencee would not be entitled to a licence for reasons set out in this By-law;
- 2) The Clerk Designate shall refuse to issue or renew a licence where the applicant or licencee would not be entitled to a licence for reasons set out in this By-law.

2) Grounds for Refusal

- 1) An applicant is entitled to be licenced and a Licencee is entitled to have their licence renewed except where;

- a) The Clerk Designate has received an unsatisfactory report regarding an investigation carried out pursuant to any By-law of the Town of Georgina and the conditions causing the report to be unsatisfactory have not been remedied;
- b) Having regard to his financial position, the Applicant or Licencee cannot reasonably be expected to be financially responsible in the conduct of the business being licenced;
- c) The past conduct of the Applicant or licencee affords reasonable grounds for the belief that the applicant or licencee will not carry on the activity for which he is to be licenced in accordance with the law and with integrity and honesty;
- d) Where the conduct of any person, including the conduct of any officer, director or employee or agent of a Corporation affords reasonable cause to believe that the persons will not carry on or engage in the business in accordance with the law;
- e) Where the issuance of the licence or renewal of the licence would be contrary to the public interest relating to health and safety, nuisance and consumer protection;
- f) The Applicant or Licencee is carrying on activities that are, or will be, if the Applicant is licenced, in contravention of this By-law, or any other municipal By-law or any other applicable law or statute;
- g) Where the Applicant or Licencee is a corporation, the past conduct of an officer or director affords reasonable grounds for belief that the Applicant or Licencee will not carry on the activity for which he is to be licenced in accordance with the law;

- h) Where the Licencee has failed to comply with the requirements of this By-law or other applicable By-laws, statutes, Order-in Council, Regulation of the Province of Ontario or Government of Canada, or any agency, Board or Commission therein upon or in connection with the applied for licenced activity of the business or premises, facilities, equipment, or property used or kept with any activity required by the By-law to be licenced;
- i) Where the fees due in respect to such licence have not been paid in full;
- j) Where any fines, judgments or costs to the Town or the Court due in respect of this By-law have not been paid in full;
- k) Where the application and documents required under this By-law have not been completed or have been completed incorrectly or have not been provided to the Clerk Designate;
- l) Where an Officer determines that the business does not comply with applicable legislation such as but not limited to the Zoning By-law, Building Code, Fire Code, Health Protection and Promotion Act, and the Property Standards By-law or such other grounds as set out in the By-law.

**26.0 CLERK DESIGNATE'S POWER TO REVOKE,
SUSPEND OR CANCEL A LICENCE**

- 1) The Clerk Designate shall revoke, suspend or cancel a licence or deny renewal of a licence where the licensee fails to comply with any of the provisions of this By-law;
- 2) The Clerk Designate shall revoke a licence if, after investigation and report to them by an authorized officer of the Town of a complaint respecting the operation of a kennel or a breach by the licence holder or the operator

of the kennel of the provisions of this By-law, and fails to remedy the cause of the complaint or conform to this By-law within fifteen (15) days after receiving notice by personal delivery or registered mail from the Clerk to do so;

- 3) The Clerk Designate may revoke, suspend or cancel a Licence issued to any Licencee;
 - a) Where the Clerk Designate has reasonable grounds for belief that an application or other documents provided contains a false statement or provides false information;
 - b) When the past or present conduct of the Licencee affords reasonable grounds for belief that the operation will not be carried out in accordance with the applicable law;
 - c) When the Licencee is convicted of an offence under the provision of this By-law, or any other municipal, provincial or federal statute or regulation with respect to the business;
 - d) Upon recommendation from the Clerk respect to the Licencee' s business practices or standards;
 - e) Where the Licence was issued incorrectly based on incorrect or incomplete information provided by the Applicant;
 - f) Where past conduct of the officers and directors afforded reasonable grounds to belief that the Licencee will not carry on the activity for which they are to be licenced or continue to be licence in accordance with this By-law;
 - g) Where based upon one or more past breaches, by the Licencee of this By-law, the Clerk Designate may

determine that it is in the public's interest to suspend or revoke such a licence;

- h) There are reasonable grounds for belief that the premises, accommodation, equipment, or facilities in respect of which a Licence is required do not comply with the provisions of this By-law or any other law;
- i) That the Applicant possesses a criminal record and the Screening Thresholds are exceeded.

27.0 ISSUING A LICENCE ON TERMS AND CONDITIONS

- 1) The Clerk Designate may issue or renew a licence subject to such terms and conditions as are necessary to give effect to this By-law.

28.0 LICENCE REVOKED, SUSPENDED OR CANCELLED

- 1) When, for any of the grounds set out in the applicable section of this By-law, an applicant or licensee is not entitled to be licenced or to have his/her licence renewed, or a licence may be subject to revocation, the Clerk Designate shall refuse to issue or renew the licence, suspend or revoke the licence, or issue a licence subject to terms and conditions;
- 2) The Clerk Designate shall provide written notice to be given to the applicant;
 - a) Setting out the grounds for the revocation, refusal to issue or renew, suspension or the terms and conditions of a licence;
 - b) Providing reasonable particulars of the grounds;
 - c) Must be signed by the Clerk Designate;
 - d) Informing the applicant or licensee of his/her right to a hearing before a Committee appointed by Council if

he delivers a written request for such a hearing within seven (7) days following the date of service;

- e) The written notice given by the Clerk Designate shall be sufficient service if delivered personally or by registered mail addressed to the person to whom notice is to be given at the last address given by that person to the Clerk Designate. When written notice is given by registered mail, service shall be deemed effective five (5) days from the date of mailing;
- f) A Licencee whose licence has been revoked or suspended shall return the licence issued by the Clerk Designate within twenty-four (24) hours of the service of notice of revocation. An Inspector may enter upon the business premises of the licencee for the purpose of receiving, taking or removing the said licence;
- g) No person whose licence has been revoked or suspended shall refuse to deliver the licence to the Clerk Designate or Inspector or in any way obstruct or prevent the Clerk Designate or Inspector from receiving or taking the revoked licence.

29.0 NOTICE OF APPEAL HEARING PROCESSES

- 1) Where the Clerk Designate believes that the Applicant or Licencee would be disentitled to a licence or renewal thereof for any reasons set out in this By-law, the Clerk Designate shall not issue or renew the Licence and shall prepare a report outlining the circumstances and recommend to the Licencing Appeal Hearing Committee to refuse to issue, or refuse to renew, or cancel, suspend or revoke the licence or recommend that the licence be issued subject to terms and conditions;
- 2) On receipt of a written request for an appeal from an Applicant or Licencee, the Clerk Designate shall schedule the Licencing Appeal Hearing Committee and shall give the Applicant or Licencee reasonable written

notice of the date, time and place of the hearing and afford the Applicant or Licencee the opportunity to attend the Appeal Hearing to be heard in person or by their counsel;

- 3) The Applicant or Licencee shall have the right to make submission in support of application for the issuance, renewal or retention of a licence at such Hearing;
- 4) The Applicant or Licencee shall be advised of the facts alleged against him which could result in the licence being refused, revoked, suspended, cancelled or recommended with conditions and shall afford the Applicant or the Licencee the opportunity of answering such allegations;
- 5) The Licencing Appeals Hearing Committee may after the appropriate hearing is conducted grant a licence, refuse to grant a licence, revoke a licence or suspend a licence and make any suspension of licence subject to such terms and conditions as Committee may prescribe and a decision made pursuant to the exercise of these powers is final and binding upon the Applicant or Licencee;
- 6) If the Applicant or Licencee who has been sent Notice of Hearing does not appear at the appointed time and place of the Hearing, the Licencing Appeal Hearing Committee may proceed with the hearing in the absence of the Applicant or Licencee and if so, the Applicant or Licencee shall not be entitled to any further proceedings or any further notice of proceedings. The Applicant or Licencee shall be sent a copy of the Notice of Decision;
- 7) The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act, R.S.O. 1990*, as amended, shall apply to all hearings conducted by the Committee under this By-law;

- 8) Committee in considering whether or not to grant a licence, refuse to grant a licence or revoke or suspend a licence shall have regard to the following:
 - a) Whether or not the Applicant or Licencee and the premises, facilities, equipment and other personal property use or kept for hire in connection with the carrying on of the business which is licenced or which is required to be licenced, pursuant to this By-law, complies with all requirements of this By-law;
 - b) Whether or not the Applicant or Licencee has failed to promptly remedy any reasonable concern with regard to those matters set out in the By-law or has committed any past breaches of this By-law;
 - c) Whether or not the Applicant or Licencee has failed to comply with any requirement or any other applicable By-law of the Town, statute, Order-in Council, Regulation of the Province of Ontario or Government of Canada or any agency, Board, or Commission thereof, in upon or in connection with the licenced activity or the premises, facilities, equipment, and any other property used or kept for hire in connection with the licenced activity;
 - d) Whether or not the Applicant or Licencee has any outstanding fines imposed under the *Provincial Offences Act* for the contravention of any provision of the By-law; and
 - e) Whether or not the Applicant or Licencee has any outstanding property taxes owing to the Town of Georgina in respect of the business or premise in question.
- 9) At such Hearing, the Committee shall receive a written report, from the Clerk Designate or such other officers who may be involved in the matter being considered by

Committee;

- 10) Committee may, in its sole discretion, afford any other person who applied to be heard or who appears to have an interest in the matter under discussion, an opportunity to present material and evidence relevant to the issue before Committee and to ask questions of any person presenting evidence or the report to Committee on this issue;
- 11) Committee may, after having heard all the evidence and submissions made to it by the Applicant or Licencee, the Clerk Designate resolve to debate the matter and to reach its decision;
- 12) Committee's Decision to issue, renew, refuse, cancel, revoke or suspend a licence may be subject to terms and conditions as Committee may impose;
- 13) Where Committee decides to refuse to issue, refuse to renew, cancel, suspend or revoke a licence, or issue a licence with conditions, the Clerk Designate shall notify the Applicant or Licencee of the Decision in writing. The Notice of Decision outlining the reasons shall be sent to the Applicant or Licencee stating the grounds upon which the issue of the said licence is refused, cancelled, suspended or revoked, or approved with conditions;
- 14) The decision of the Licencing Appeals Hearing Committee shall be final and binding;
- 15) Upon final decision of the Licencing Appeals Hearing Committee the Clerk Designate shall send by either personal delivery or registered mail, a written notice of the Committee's decision;
- 16) The Clerk Designate shall submit a written report of the hearing to Council and the report may include:

- a) Summarize the relevant evidence and arguments presented by the parties at the hearing;
- b) Set out the findings of fact and the decision of the Licencing Appeal Hearing Committee; and
- c) Set out the reasons for the decision.

17) Notwithstanding any decision of or statement by Licencing Appeals Hearing Committee respecting the granting of a licence or application therefore, no person shall be deemed to be licenced until he/she has paid the required fee and has received the physical licence.

30.0 REFUND OF FEE ON REFUSAL TO ISSUE OR RENEW A LICENCE

- 1) When the Clerk Designate or Licencing Appeals Hearing Committee refuses to issue or renew a Licence, a portion of the Licence Fee paid, equivalent to the Licence Fee, less the Administration Fee of Fifty Dollars (\$50.00) may be refunded upon request by the Licencee;
- 2) When an owner decides to discontinue a business or change of ownership, or location of the business, no refund shall be granted;
- 3) When a licence is revoked due to contravention of this By-law or other regulations no refund shall be issued.

31.0 EXEMPTIONS

- 1) No licence shall be required for:
 - a) An animal shelter operated by or on behalf of the Town or the OSPCA;
 - b) A publicly funded educational institute as recognized by the *Animals for Research Act, 1990*;

- c) A veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- d) A facility in which animals are placed for care pursuant to the *Pounds Act*;
- e) A facility registered as a research facility in accordance with the *Animals Research Act*.

32.0 NO GRANDFATHERING PROVISIONS

- 1) This By-law does not contain any grandfathering provisions.
- 2) Notwithstanding section 32(1), Every kennel in operation prior to the enactment of this By-law which was deemed legal non-conforming with regards to lot size, shall remain legal non-conforming with regards to lot size only as long as the property continues to be used as a kennel;
- 3) A kennel establishment that was operating legally on the date of passage of this By-law may continue to operate at the premises, as long as they are showing progression each year towards full compliance with section 33 of this By-law;
- 4) Notwithstanding a change in name or ownership of the kennel, if such establishment applies for any licences required by this By-law after the date this By-law comes into force and effect must comply with this By-law in all aspects prior to being issued a licence;
- 5) Where an existing kennel premises is replaced or substantially altered, the replacement and or alteration shall be constructed in accordance with this By-law and applicable legislation.

33.0 PHASE INTO COMPLIANCE

- 1) All kennels licenced under the Town of Georgina Kennel Licencing By-law 2002-0164 (REG-1) shall have a time period of four (4) years to bring all structural aspects of the kennel into compliance with this By-law and must show a 25% completion at the end of each licencing year in order to receive a licence renewal;
- 2) All kennels licenced under the Town of Georgina Kennel Licencing By-law 2002-0164 shall comply with all administrative requirements upon passing of this By-law;
- 3) All kennels licenced under the Town of Georgina Kennel Licencing By-law 2002-0164 shall have a period of one (1) years to comply with the number of dogs or cats permitted as per class of kennel licence.
- 4) All kennels licenced under Kennel Licencing By-law #2002-0164 (REG-1) must be fully compliant before May 7, 2019, based on the evaluation of the Clerk Designate;
- 5) Proof of compliance with section 34 of this By-law is required and must be produced at time of application.

34.0 ORDERS/REMEDIAL ACTION

- 1) **Order to Discontinue Activity** - If a person operates or permits to operate a kennel, as defined by this By-law, in contravention of any of the provisions of this By-law, the Town of Georgina may issue an order to that person, and/or to the owner of the lot containing the kennel to discontinue the contravening activity. The order shall set out the particulars of the contravention, the location of the lot, which the contravention has occurred and the date by which there must be compliance with the order. The order shall be served in accordance with this By-law.
- 2) **Work Order** - If a person operates or permits to operate a kennel, as defined by this By-law, in contravention of

any of the provisions of this By-law, the Town of Georgina may issue a work order to that person, and/or to the owner of the lot containing the kennel to discontinue the contravening activity. The work order shall set out the particulars of the contravention, the location of the lot, which the contravention has occurred and the date by which there must be compliance with the order. The order shall be served in accordance with this By-law.

- 3) **Remedial Action** – If the Town has the authority under this By-law or any other Act to direct or require a person to do a matter or thing, via an order, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.
- 4) **Recovery of Costs** – The Town may recover the costs of doing the work in relation to an order issued under this By-law by adding the costs to the property tax for the person or property the order was issued to and collecting them in the same manner as property taxes.
- 5) **Costs Added to Property Tax** – for the purpose of subsection (4), the Town shall, upon request from York Region, add the costs of York Region to the property taxes.
- 6) **Interest** – The costs include interest calculated at a rate of 15 per cent or such lesser rate as may be determined by the Town, calculated for the period commencing on the day the Town incurs the costs and ending on the day the costs, including the interest are paid in full.
- 7) When a person has been convicted of an offence under this By-law, the Ontario Court of Justice, or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

35.0 SERVICE OF ORDERS AND NOTICES

- 1) An order or notice issued under this By-law may be served personally or by registered mail sent to the last known address of the person to be served, as indicated on the Town's assessment roll or application;
- 2) If an order or notice is served on a person by registered mail, it shall be deemed to have been served on the person on the 5th day after the date of its mailing.

36.0 OFFENCE AND PENALTY

- 1) Every person who contravenes a provision of this By-law, including an order under this By-law, is guilty of an offence;
- 2) If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence;
- 3) If any person or corporation is found in contravention of any provision of this By-law and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 4) If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 5) Every person or corporation who is guilty of an offence under this By-law shall be subject to the following penalties:
 - a) Upon first conviction, to a fine of not less than \$250.00 and not more than \$50,000.00;

- b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
 - c) Upon conviction for a continuing offence, to a fine of not less than \$250.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$250.00 and not more than \$10,000.00. The total of all fines for each included offence may exceed \$100,000.00.
- 6) For the purposes of this By-law, "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 7) The conviction of any offender upon the breach of any provision of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any provision and the Judge may convict any offender repeatedly for continued or subsequent breaches of this By-law. The provisions of the *Municipal Act*, shall further apply to any continued or repeated breach of this By-law. Every day shall constitute a separate offence under this By-law.

37.0 COLLECTION OF UNPAID FINES

- 1) Pursuant to Section 441 of the *Municipal Act*, if any part of a fine for a contravention of a business licencing By-law remains unpaid after the fine becomes due and payable under section 66 and 69 of the *Provincial Offences Act*, Chapter P.33, including any extension of time for payment ordered under that section, the Clerk Designate 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 21 days after the date of the notice;

- 2) If the fine remains unpaid after the final date specified on the notice, the fine is deemed to be unpaid taxes purposes of Section 351 of the *Municipal Act* and may be added to the person's tax roll and collected in the same manner as property taxes.

38.0 INTERPRETATION

- 1) In this By-law, unless the context otherwise requires, words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine;
- 2) All schedules and appendices to this By-law shall form part of the By-law;
- 3) The issuance of a licence under this By-law does not permit or condone the violation of any other By-law, statute or other regulation in effect in the Town of Georgina, the Province of Ontario or the Government of Canada and it shall be the responsibility of the Licencee to ensure that such applicable legislation is complied with at all times;
- 4) The issuance of a licence under this By-law does not relieve the Licencee from obtaining any other licences or permits which may be required by this By-law or any statute, regulation or other By-law;
- 5) The headings and subheadings used in this By-law shall be deemed to be inserted for convenience and reference.

39.0 REFERENCE TO LEGISLATION

- 1) Whenever any reference is made in this By-law to a municipal By-law, statute of the Province of Ontario or

statute or regulation of the federal government, such reference shall be deemed to include all subsequent amendments to such By-law, statute or regulation and all successor legislation.

40.0 ENFORCEMENT

- 1) Unless otherwise provided in this By-law, this By-law shall be enforced by Municipal Law Enforcement Officers, the Ontario Society for the Prevention of Cruelty to Animals Officers, York Regional Police Officers or any other officers appointed for the purposes of enforcing this By-law.
- 2) Administrative enforcement shall be done by the Clerk Designate.

41.0 CONFLICTING LEGISLATION

- 1) Pursuant to the *Municipal Act*, provides that if there is a conflict between a provision in the *Municipal Act* and a provision of the any other Act authorizing a municipality to licence a business, the section that is least restrictive of the municipal powers shall prevail;
- 2) In the event of any conflict between the provisions of this By-law and the provisions of any other law, the provisions that are the most restrictive shall prevail.

42.0 VALIDITY AND SEVERABILITY

- 1) It is hereby declared that notwithstanding that any section, subsection, clause, paragraph or provision of this By-law or parts thereof, may be declared by any Court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of this By-law as a whole or part thereof and all other sections of this By-law shall be deemed to

be separate and independent therefrom and enacted as such.

43.0 REPEAL

- 1) That By-law #2002-0164 (Reg-1) of the Corporation of the Town of Georgina be hereby repealed in its entirety.

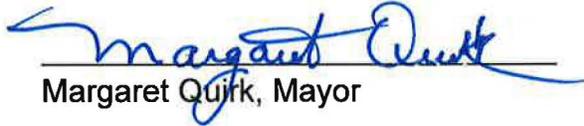
44.0 SHORT TITLE

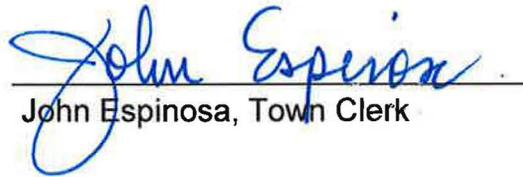
- 1) This By-law shall be referred to as the Kennel Licencing By-law.

45.0 FORCE AND EFFECT

This By-law shall take effect and shall be in full force and effect upon the day of reading and passage thereof.

READ and enacted this 8th day of April 2015.


Margaret Quirk, Mayor


John Espinosa, Town Clerk

SCHEDULE 'A'

To By-law 2015-0000(Draft)

| KENNEL TYPE | FEE NEW | FEE RENEWAL |
|--|----------------|--------------------|
| Kennel Class I | | |
| Breeding Kennel – Level I | \$100.00 | \$75.00 |
| Breeding Kennel – Level II | \$150.00 | \$125.00 |
| Kennel Class II | \$100.00 | \$75.00 |
| Kennel Class III | \$150.00 | \$125.00 |
| Kennel Class IV | \$200.00 | \$150.00 |
| Kennel Class V | \$100.00 | \$75.00 |
| Kennel Class VI | \$100.00 | \$75.00 |
| Kennel Class VII & VIII | \$100.00 | \$75.00 |
| Kennel Class IX | \$200.00 | \$150.00 |
| Dog Licence Fee per dog kept for breeding showing and/or competition purposes | | \$ 5.00 |
| Dog Licence Fee per dog kept as personal pets | | |
| Spayed/neutered | | \$20.00 |
| Non-spayed/non-neutered | | \$35.00 |

Fees are effective April 8, 2015. On January 1 of each subsequent year, all fees and charges will be increased and indexed based on the most recent released Ontario Consumer Price Index (CPI).

SCHEDULE 'B'

To By-law 2015-0000(Draft)

ADMINISTRATIVE FEES

| | |
|------------------------------|----------|
| Licence Replacement Fee | \$ 25.00 |
| Licencing Appeal Hearing Fee | \$150.00 |
| Re-Inspection Fee | \$ 50.00 |

REFUNDS

| | |
|-----------------|-----------------------------|
| Licence Refusal | Licencing fee minus \$50.00 |
|-----------------|-----------------------------|

SCHEDULE "C"
 To By-law 2015-0034 (REG-1)
MINIMUM REQUIRED LOT SIZE

| KENNEL TYPE | # OF DOGS | SMALL 0-24LBS | MEDIUM 25-49LBS | LARGE 50-79LBS | X-LARGE 80+LBS |
|---------------------------------|---|--|------------------------|-----------------------|-----------------------|
| Class I Breeding | 1-5 | .20 hectares | .40 hectares | .60 hectares | .80 hectares |
| | 6-10 | .40 hectares | .60 hectares | 1 hectare | 1.2 hectares |
| | 11-20 | .60 hectares | 1.2 hectares | 1.4 hectares | 1.6 hectares |
| Class II Doggie Day Care | 1-5 | .20 hectares | .40 hectares | .60 hectares | .80 hectares |
| | 6-10 | .40 hectares | .60 hectares | 1 hectare | 1.2 hectares |
| | 11-20 | .60 hectares | 1.2 hectares | 1.4 hectares | 1.6 hectares |
| Class II Groomer | As per the Town of Georgina Zoning By-law 500, as amended | | | | |
| Class III Boarding | 1-5 | Minimum .40 hectares | | | |
| | 6-10 | Minimum .80 hectares | | | |
| | 11-20 | Minimum 1.2 hectares | | | |
| | 21-30 | Minimum 1.6 hectares | | | |
| Class IV Pet Stores | As per the Town of Georgina Zoning By-law 500, as amended, reviewed or replaced | | | | |
| Class V Hobbyist | 1-5 | .20 hectares | .40 hectares | .60 hectares | .80 hectares |
| | 6-10 | .40 hectares | .80 hectares | 1 hectare | 1.2 hectares |
| | 11-20 | .80 hectares | 1.2 hectares | 1.4 hectares | 1.6 hectares |
| Class VI Fancier | 1-3 | As per the Town of Georgina By-law 2004-0130(LI-3), as amended, reviewed or replaced | | | |
| | 4-10 | .30 hectares | .60 hectares | .80 hectares | 1.2 hectares |
| | 11-20 | .80 hectares | 1.2 hectares | 1.4 hectares | 1.6 hectares |
| Class VII Rescue | Minimum .60 hectares required | | | | |
| Class VIII Cattery | 1-5 | .20 hectares | | | |
| | 6-10 | .30 hectares | | | |
| | 11-20 | .40 hectares | | | |
| Class IX Broker | Minimum .40 hectares required | | | | |

| Conversion Table | .20 hectares = .50 acres | .40 hectares = 1 acre |
|--------------------------|--------------------------|------------------------|
| .60 hectares = 1.5 acres | .80 hectares = 2 acres | 1 hectare = 2.5 acres |
| 1.2 hectares = 3 acres | 1.4 hectares = 3.5 acres | 1.6 hectares = 4 acres |