THE CORPORATION OF THE TOWNSHIP OF JOLY

BY-LAW # 2014-15

Being a By-Law for the licensing and regulating of dogs and kennels and for the control of dogs within the Township of Joly.

WHEREAS the Municipal Act, R.S.O. 2001, Section 11 (3) Section 103 (1), provides that by-laws may be passed by the Councils of local municipalities for providing or regulating the keeping of animals, regulating animal breeding or boarding establishments, animals being at large or trespassing, animal identification systems, appraising damages, seizing and impounding, compensation for impounding, muzzling and leashing of dogs, licensing of dogs, imposing a license fee and dogs running at large contrary to the By-Law.

WHEREAS it is deemed expedient that such a By-Law be passed:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF JOLY HEREBY ENACTS AS FOLLOWS:

Short Title: This By-Law may be cited as the "Dog By-Law"

1. DEFINITIONS
   a) "Dog "means any member of the genus Canis families.
   b) "Owner "includes any person having the possession or control of an animal or occupying premises containing the animal. Where the owner is a minor, the person responsible for the custody of the minor is deemed to be the owner. Own, Owns and Owned have a corresponding meaning.
   c) "By-Law Enforcement Officer "includes the person so designated by the Council to administer and enforce this or any By-Law. If no person is so designated, then Council shall enforce this or any By-Law.
   d) "Guide Dog "means a dog which serves as a guide or leader for a person who is visually impaired and which has been specially trained for that purpose.
   e) "Kennel "is a premise where more than 4 adult dogs are kept.
   f) "Juvenile Dog "is a dog under the age of one year of age. They are not considered an adult dog.

g) " License " means:
   i. An annual permit to operate a kennel under this regulation, and
   ii. Registration of a dog(s) and issuing of dog tag(s).

h) "Person "includes a partnership and unincorporated association.
i) "Running at Large "means any dog found in any place other than the premises of the owner and not under the control of a responsible person.
j) "Regulations "mean the regulations made under this By-Law.

2. FEES See Fees By-Law 2014-05

The amount of the fee shall be determined by the number of dogs harboured on the property, incidental and regardless of the number of separate owners. There shall be no more than four dogs on a property unless a Kennel License has been obtained.

Failure to register any dog(s) and obtain license(s) may result in a fine in accordance with Set Fine Schedule, Section 15.

Where the owner of a dog in respect of which a license has been issued under this By-Law sells or otherwise ceases to be the owner of the dog, the license, may in respect to that dog, be transferred for a fee of $5.00 for owner in Joly Township.

Failure to keep tag affixed or using tag on another dog may result in a fine in accordance with Set Fine Schedule, Section 15.

Falsifying information on the application may result in a fine in accordance with the Set Fine Schedule, Section 15.

3. LICENSING

a) The owner of a dog, who is blind person and requires a guide dog, shall not be responsible to pay a license fee for a guide dog.
b) Every person who owns a dog which is kept in the Municipality shall, on or before the 1st day of January in each and every year, or within fifteen days of becoming the owner of a dog, or within fifteen days of becoming a resident of the Municipality, must register such dog with the Municipality and procure a license and a dog tag for each dog owned by them.
c) Every dog (Kennel dogs are the exception) must have the tag affixed to them. Using a tag on another dog is not allowed.
d) Every person who currently owns and operates an existing Kennel within the Municipality shall submit an application to the Municipality of a form approved by the Municipality accompanied by the license fee set out in Section 8 and Schedule " A " .
e) A license holder who renews a license for a Kennel issued under these regulations shall, no later than April 30th each and every year, submit an application for renewal to the Municipality on a form approved by the Municipality accompanied by the license fee set out in Section 8 and Schedule " A " or the license will be cancelled.
f) Falsifying information on the application is not acceptable. It is the responsibility of the license holder to notify the Township within a 10 business day time period of any change of the approved application.
g) A person is required to purchase a tag for a dog if the dog is going to stay at a property for longer than a two month time period.

h) A kennel license holder is required to pay the per dog fee, if a dog is going to stay at a property for longer than a two month time period.

i) Before renewing a license, the Municipality may require the licensed kennel or breeding premises to be inspected.

j) A license holder on the anniversary date of the issuance of the license shall submit an annual report to the Municipality on a form approved by the Municipality and containing or accompanied by the information required by the Municipality as shown in Schedule " C " .

4. GENERAL INSPECTION REQUIREMENTS

A person approved by the Municipality may inspect a licensed kennel at any time and shall notify the license holder of the kennel of the impending inspection at least four hours prior to arriving at the kennel. An inspection report as per Schedule "B"will be completed by the person approved by the Municipality.

5. MODIFICATIONS OR UPGRADE ORDER

1. The Municipality may issue an order to a license holder to:
   i) Modify or upgrade a licensed kennel or breeding premise that does not comply with the requirements of this regulation, or;
   ii) Modify the operation of a licensed kennel or breeding premise where it is not being operated in accordance with the requirements of this regulation.
2. A license holder to whom an order is issued under subsection (1) shall comply with the order without delay.

6. SUSPENSION OR CANCELLATION OF LICENSE OR BREACH OF ORDER

The Municipality may suspend or cancel the license of a holder if the Municipality is satisfied that the license holder has failed to comply with an order made by the Municipality under this regulation.

7. A record shall be kept by the Municipality showing the name and address of the owner, the serial number of the dog tag and the fees paid in respect of each dog.

8. A record shall be kept by the Municipality as well in respect of the Class of License issued for a Kennel and the fees paid.

Class 1: 5 to 20 dogs - $143.75 - plus $5.00 per dog
Class 2: 21 to 100 dogs - $431.25 - plus $5.00 per dog
Class 3: 101 to 400 dogs - $718.25 – plus $5.00 per dog

Existing licensed Kennels at the time of the passing of this said By-Law will be grandfathered as to the Class of License held but not in respect of fees. Grandfathered Kennels will not be able to move up a Class. They may maintain their current Class even though they may have under the stated amount of dogs for that certain Class, if the current Class License fee is paid.

There will only be Class 1 Kennels allowed from the passing of this said By-Law (besides the current ones grandfathered).

9. Grandfathered Kennel Licenses can be transferrable. The kennel operation must continue to operate at the current location if the transfer of the license has occurred.

10. No tag(s) will be given for dogs in a kennel.

11. The non-kennel owner shall keep the dog tag securely fixed on the dog at all times and shall not use a dog tag upon any dog other than that for which it was issued.

12. The replacement fee for a lost dog tag shall be $5.00.

13. GENERAL REQUIREMENTS FOR KEEPING AND HOUSING DOGS

The owner and operators of all breeding premises and kennels where dogs are kept or housed shall:
Meet the standards as set out by the Corporation of the Township of Joly By-Law 2000-06.

14. RUNNING AT LARGE

a) No owner of a dog shall allow the dog to run at large within the limits of the Municipality or to kill or injure livestock, poultry or other domestic animals. A hunting dog while being used for hunting and under the control of a responsible person shall not be deemed to be running at large.
b) No owner shall allow their dog to be on a public road or in a public place at any time unless the dog is on a leash and such leash is held onto by a responsible person. Any person in control of a team of dogs pulling a sled shall be deemed to comply with this section.
c) Notwithstanding the provisions of section (b) no dog shall be allowed at any time in any area designated as a public swimming area.
d) Any owner of a dog who allows it to run at large is guilty of an offence and is liable to fines set out in the Set Fine Schedule, Section 15, exclusive of costs and recoverable under the Provincial Offences Act.
e) Every dog found running at large contrary to the provisions of this By-Law, with or without a tag, may be seized by the By-Law Enforcement Officer or their agent and impounded. Where a dog is impounded, the owner, if known, shall be liable for the pound fee as levied by the pound-keeper whether the dog is claimed from the pound or not.
f) If the By-Law Enforcement Officer or their agent is unable to seize any dog found to be running at large and the owner is known to the By-Law Enforcement Officer or their agent, the owner shall receive written notice of a fine as set out in the Set Fine Schedule.

15. PENALTIES

Anyone contravening regulations made under this By-Law shall be subject to written notice of a fine with provisions for payment to be made to the Municipality within seven (7) days of the date of such offence exclusive of Saturdays, Sundays, or Public Holidays and all fines levied under the provisions of this By-Law are recoverable under the Provincial Offences Act and further that each day the offence continues shall be considered to be a separate offence.

PART 1 – PROVINCIAL OFFENCES ACT

TOWNSHIP OF JOLY

BY-LAW 2014-15: Regulating Dogs & Kennels

Set Fine Schedule

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Failure to register a dog and procure a license	s. 3(b)	$75.00
2	Failure to keep tag affixed or using tag on another dog	s. 3(c)	$75.00
3	Falsifying information on application	s. 3(f)	$500.00
4	Allowing a dog to run at large	s. 14(d)	$75.00
5	Failure to keep a dog leashed in a public place	s. 14(b)	$75.00
6	Allowing a dog in a public swimming place	s. 14(c)	$75.00

Note: The general penalty provision for the offences listed above is Section 15 of By-Law 2014-15, a certified copy of which has been filed and S.61 of the Provincial Offences Act, R.S.O. 1990, C. P.33.

16. KENNEL LICENSE PROHIBITING

The Municipal Act Section 151 (1)(a) and (b) provides the Municipality with powers re: licenses.

151 (1) without limiting section 9, 10, and 11, a municipality may provide for a system of licenses with respect to a business and may:

a) Prohibit the carrying on or engaging in the business and without a license.

b) Refuse to grant a license or to revoke or suspend a license.

17. Any dog used as a person assistance dog, guide dog (dogs assisting persons who are hearing or visually impaired, or dog assisting persons confined to wheelchairs, etc.) provided that a certificate from an appropriate agency or from a recognized dog training school is produced.

18. All sections of the By-Law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the remaining sections.

19. This By-Law repeals 2014-06.

This By-Law Read a First, Second and Third time and finally passed in open council this 15th day of May 2014 and becomes in effect January 1, 2014.

Mario Campese, Mayor

Karen Kunkel, Acting Clerk

CORPORATION OF THE TOWNSHIP OF JOLY

By-Law 2014-15

SCHEDULE "A"

APPLICATION FOR KENNEL/BREEDER LICENSE

Name: _____

Business Name: _____

Address: _____

_____

_____

Kennel/Breeder Premise Location (Civic and Legal
Address: _____

_____

_____

Phone: _____ Fax: _____

Email: _____

Please indicate if this application is for renewal: _____

License Class (Check Appropriate Box)

Kennel

Class 1	5-20 dogs	[ ]	$143.75 plus $5.00 per dog
Class 2	21-100 dogs	[ ]	$431.25 plus $5.00 per dog
Class 3	101-400	[ ]	$718.25 plus $5.00 per dog

Date: _____

Signature: _____

Return completed application form and your cheque made payable to the

Corporation of the Township of Joly

871 Forest Lake Road

P.O. Box 519

Sundridge ON

P0A 1Z0

Council retains the right to refuse any application.

Corporation of the Township of Joly

By-Law 2014-15

SCHEDULE "B" PART 1

INVENTORY STATEMENT OF TYPES AND BREEDS OF DOGS

[ ] Initial Report [ ] Annual Report for _____, 20___ to _____, 20____.

Name: _____

Address: _____

_____

_____

Telephone/Fax: _____

Email: _____

[ ] Hobby Breeding Premise [ ] Commercial Kennel Premise

Breed of dog/dogs				
Number of Adult Females				
Number of Adult Males				
Number of Juveniles one year or less				

When completing this statement to report on an annual basis, please review Premises Information Form and indicate any changes to the type of activities on your premises in the space below. Please include all dogs on the premises. A notation can be made if some of them are neutered, personal pets.

Signature: _____

Date: _____

Corporation of the Township of Joly

By-Law 2014-15

SCHEDUULE "B" PART 2

PREMISES INFORMATION FORM

Supplementary information to accompany application for Dog Kennel/Breeder License.

Owner: _____

Business Name: _____

Address: _____Phone (res):_____

Phone (bus):_____

Email:

_____Location:

(Provide both legal description and directions to premises)_____

_____

_____

HOUSING AND ACCOMODATION

All outdoors: [ ] Yes [ ] No As part of residence [ ] Yes [ ] No

All enclosed in stand-alone building: [ ] Yes [ ] No

Kennels indoors and runs outdoors: [ ] Yes [ ] No

Other: _____

Type and size of lot: _____

Type and size of building: _____

Number, size and use of rooms: _____

Describe type of construction for:

Exterior walls: _____

Interior walls: _____

Floor: _____

Insulation: _____

Type of heating: _____

Air conditioning: [ ] Yes [ ] No [ ] N/A

Ventilation (Number, size and type of fans):_____

No. and size of windows: _____

Are windows screened: [ ] Yes [ ] No

Is a dehumidifier or air exchanger used: [ ] Yes [ ] No

Method of waste disposal: Liquid_____

Solid _____

Type and number of lighting fixtures: _____

Is running water available in the building: [ ] Yes [ ] No

or near site [ ] Yes [ ] No

Source: _____

Is the premises surrounded by a perimeter chain link or semi-solid wall suitable to prevent escape or entry of animals? [ ] Yes [ ] No [ ] N/A

Describe:

_____

_____

What insect control measures are taken? _____

_____

CAGES, PENS AND ENCLOSURES

Number of cages: _____ Size: _____

Describe construction materials: _____

Number of runs: Indoor: _____ Sizes: _____

Outdoor: _____ Sizes: _____

Describe construction materials: _____

Is a shelter/enclosure/bedding/shade provided in each run or cage? [ ] Yes [ ] No

Is wire flooring used in any of the above? [ ] Yes [ ] No

If wire flooring is used, is provision made for partial solid floor? [ ] Yes [ ] No

Is a separate whelping area provided? [ ] Yes [ ] No [ ] N/A

Supplemental heat? [ ] Yes [ ] No

Describe:_____

Group housing, if used, describe groups: _____

_____

Is there an isolation ward or pen? [ ] Yes [ ] No

FOOD AND WATER

Provision for storage of feed: _____

Vermin proof storage: [ ] Yes [ ] No

Is feed properly marked as to type or use? [ ] Yes [ ] No

Are commercially prepared rations used? [ ] Yes [ ] No

What rations are available? _____

Is clean potable water available at all times to all cages/runs? [ ] Yes [ ] No

ATTENDANTS

Owners only: [ ] Yes [ ] No No. of employees_____

Describe daily habits regarding:

Feeding: _____

Cleaning: _____

Exercising: _____

Socializing: _____

Grooming: _____

VETERINARY INVOLVEMENT

Veterinary service is provided by: _____

Name of Clinic: _____

Frequency of vaccinations (Owner must provide proof of rabies vaccinations):

Rabies: _____

Parasite Control:

What products are used and when? _____

Is Euthanasia carried out by a licensed vet? [ ] Yes [ ] No

If no: How and by whom? _____

OTHER

Are prospective buyers/boarders given access to view entire facility? [ ] Yes [ ] No [ ] N/A

Is there an emergency procedures list posted? [ ] Yes [ ] No

Is there a fire extinguisher in the immediate area? [ ] Yes [ ] No

Are emergency phone numbers posted? [ ] Yes [ ] No

What disinfection products are used? _____

PUREBRED BREEDING STOCK [ ] Yes [ ] No [ ] N/A

Canadian Kennel Club assigned tattoo number: _____

Is written contract available? [ ] Yes [ ] No

Does it provide for a full refund? [ ] Yes [ ] No

Describe provisions for adequate socialization of juveniles: _____

The personal information on this form is being collected under the authority of By-law 2000-06 being a By-Law to set Kennel Standards and By-law 2014-06 being a By-law for the licensing and regulating of dogs and kennels and for the control of dogs within the Township of Joly and will be used only for the purposes intended under these By-laws. It is protected by the

Protection of Privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection, contact the Corporation of the Township of Joly.

I hereby certify that the foregoing information is true and correct. Furthermore, I understand that my premises are subject to an inspection at any time by a duly appointed inspector and that failure to disclose information, provision of false information or failure to provide adequate care can result in immediate termination of a license and/or charges being laid.

The owner is advised to make a copy of this completed report to keep for their own records.

Date: _____

Owner (Print):_____

Signature: _____

Corporation of the Township of Joly

By-Law 2014-15

SCHEDULE "C"

INSPECTION REPORT FOR KENNELS AND BREEDING PREMISES FOR DOGS

[ ] Initial Report [ ] Annual Report for_____, 20 __to _____, 20____

Name: _____

Address:_____

_____

_____

[ ] Kennel [ ] Hobby Breeding Premise [ ] Commercial Breeding Premise

Section One – Mandatory Items. All items must be marked "YES" for Certification.

1. **Water:** All dogs are provided with adequate amounts of water every day. (2000-06, Sec. 5, Sub. 4)
   [ ] Yes [ ] No Owners initials_____

2. **Shelter:** Every dog has full access to adequate shelter for the conditions (2000-06, Sec. 3, Sub. 3)
   [ ] Yes [ ] No Owners initials_____

3. **Diet:** Dogs are offered a diet which is complete and wholesome and provided in amounts adequate to maintain normal body conditions for the environmental conditions and amount of exercise. All dogs should be adequately fed and watered at least once a day except as directed by veterinary treatment, normal fasts or professionally accepted practices. (2000-06, Sec. 5, Sub.3)
   [ ] Yes [ ] No Owners initials_____

4. **Confinement:** Dogs are confined in a manner that is safe and free of hazards (2000-06, Sec. 3 and 4).
   a) If tethered, the tethers or chains are tangle free and are of sufficient length to allow freedom of movement and adequate exercise.

   b) If kept in runs, they are constructed of chain link or wire fencing that is secure and all openings are small enough to prevent entrapment

      injury to limbs or head.

   [ ] Yes [ ] No Owners initials_____

5. **Feces:** Stools are removed daily from the kennel area and are disposed of in a sanitary and legal manner. (2000-06, Sec. 5, Sub.2)
   [ ] Yes [ ] No Owners initials_____

6. **Estrus:** If intact females are kept on the premises, a confinement method is available which can safely house them under conditions within the guidelines and prevent unplanned breeding. (2000-06, Sec. 5, Sub. 3)
   [ ] Yes [ ] No Owners initials_____

7. **Socialization:** All dogs shall be adequately socialized to the point of allowing contact without aggressive behaviors such as baring teeth, growling, signs of fear-biter posturing or attempting to bite without provocation towards humans. Dogs exhibiting maladaptive or pathological behavior which could result in self-injury,
Injury to others or other undesirable consequences are being managed with an

acceptable program for accommodation and remediation. (2000-06, Sec. 3, Sub. 3

and Sec. 5, Sub.1)

[ ] Yes [ ] No Owners initials_____

8. **Quality of Life:** All dogs are provided with a basic quality of life. Each dog is given adequate and appropriate opportunities to engage in beneficial species-typical behaviors and activities. No dog is forced to live under pain or distress without veterinary intervention for relief from pain/suffering.
[ ] Yes [ ] No Owners initials_____

9. **Fencing:** Both primary and secondary fencing is in place. (2000-06, Sec. 4)
[ ] Yes [ ] No Owners initials_____

10. **Affiliation:** The Kennel or Breeding Premises owner has a current membership in a recognized breed club/association or professional organization. (2000-06, Sec. 2, Sub. 2)
[ ] Yes [ ] No Owners initials_____

11. **Vaccination:** All dogs have current vaccinations as required by local law.
[ ] Yes [ ] No Owners initials_____

Certification

I, _____, have inspected the kennel/breeding premises located by

_____

which is owned by_____.

This kennel/breeding premise **Does/Does Not** (circle) meet each of the requirements set out above.

Signed_____ Date_____