

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO. 6852/08

A by-law to licence boarding kennels

WHEREAS Subsection 11(3)9 of the *Municipal Act, 2001* authorizes the City to pass by-laws respecting animals; and

WHEREAS Section 150 of the *Municipal Act, 2001* authorizes the City to provide for a system of licences with respect to any business wholly or partly carried on within the City; and

WHEREAS the City deems it necessary to provide a system of licensing for boarding kennels.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING HEREBY ENACTS AS FOLLOWS:

PART I – INTERPRETATION

Definitions

1. In this by-law,

“animal” means a dog, cat or any other pet that is generally understood to be domesticated and is typically kept indoors;

“applicant” means a person who applies for a licence;

“boarding kennel” means any premises or facility in which animals owned by persons other than a licensee are boarded for any period of time for financial gain;

“City” means The Corporation of The City of Pickering or the geographical area of Pickering, as the context requires;

“City Clerk” means the City Clerk or a designate;

“licence” means a licence to operate a boarding kennel issued in accordance with this by-law;

“licensee” means a person to whom a licence has been issued;

“person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law; and

“veterinarian” means a person licensed under the *Veterinarians Act*.

References to Legislation

2. In this by-law, reference to any Act, regulation or by-law is reference to that Act, regulation or by-law as it is amended or re-enacted from time to time.

Word Usage

3. This by-law shall be read with all changes in gender or number as the context may require.
4. A grammatical variation of a word or expression defined has a corresponding meaning.

Schedule

5. Schedule 1 (LICENCE FEES) is attached to and forms part of this by-law.
6. Unless otherwise specified, references in this by-law to Parts, sections and Schedules are references to Parts, sections and Schedules in this by-law.

Conflicts

7. If a provision of this by-law conflicts with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

Severability

8. Each section of this by-law is an independent section, and the holding of any section or part of any section of this by-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other section or parts of sections of this by-law.

PART II – APPLICATIONS

Submission of Applications

9. All licence applications shall be completed and submitted on forms provided by the City.

10. Every licence application shall be submitted with the applicable fee set out in Schedule 1.
11. Every applicant shall submit to the City Clerk,
 - (a) where applicable, a copy of proof of ownership, a lease or written permission from the owner or property manager of the property where the boarding kennel is to be located and operated;
 - (b) a copy of the applicant's general insurance liability policy in the amount of not less than two million dollars (\$2,000,000.00) that provides that the City shall be given at least 10 days notice in writing prior to any cancellation, expiration or variation in the amount of the policy;
 - (c) an original criminal reference check not more than 30 days old for the applicant(s) or, where the applicant is a corporation, for every person who will be in charge of the boarding kennel during the term of the licence;
 - (d) a brief description outlining the number and species of animals that may be boarded in the boarding kennel; and
 - (e) a brief description outlining how animal sickness, disease or injuries will be handled at the boarding kennel.

Issuance of Licence

12. The City Clerk may approve or refuse any licence application, and may impose any conditions upon an approval as he or she determines to be appropriate.
13. In addition to every other requirement imposed by this by-law, every licence is issued subject to the condition that all federal, provincial and municipal laws, by-laws, rules, regulations, orders, approvals, permits, standards, and all other governmental requirements applicable to the operation of the boarding kennel must be complied with.
14. Upon the issuance of a licence, the licensee shall be exempt from the purchase of dog and cat licences under the City's Responsible Pet Ownership By-law.

Disqualifications

15. The City Clerk shall refuse to issue a licence if,
 - (a) all of the information and documents that the applicant is required to provide under this by-law have not been provided and verified;

- (b) the licence fee has not been paid;
- (c) the applicant has submitted false information in support of the application;
- (d) the issuance of the licence would contravene any of the provisions of this by-law, the Ontario Building Code, the *Fire Protection and Prevention Act*, any applicable zoning regulations, or any other applicable law; or
- (e) the applicant has been convicted of a crime against animals.

Exemptions

16. No licence shall be required for,
- (a) an animal shelter operated by or on behalf of the City;
 - (b) a recognized animal rescue organization or other organization approved by the City dedicated to protecting the rights of animals;
 - (c) a publicly funded educational institute;
 - (d) a facility in which animals are placed for care pursuant to the *Pounds Act*;
 - (e) an animal shelter operated by a branch or affiliate of the Ontario Society for the Prevention of Cruelty to Animals; or
 - (f) a licensed veterinary hospital or clinic.
17. No licence shall be required for a boarding kennel located anywhere in the City in which the number of dogs or cats being boarded does not exceed the number of dogs or cats permitted in a dwelling unit under section 47 of the City's Responsible Pet Ownership By-law.

Term

18. Every licence shall be valid for a period of one year from the date of issuance unless it is revoked or suspended.

Transfer

19. A licence shall not be transferable.

Prohibitions

20. No licensee shall board any animal prohibited by law.
21. No person shall own, operate, manage, control or supervise a boarding kennel without a licence.

PART III – REGULATIONS FOR LICENSEES

General

22. Every licence shall be posted in a conspicuous place in the boarding kennel.
23. Every licensee shall 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.
24. Every licensee shall take all reasonable and humane steps to prevent a nuisance caused by undue noise.
25. Every licensee shall ensure that all animal waste materials are disposed of in a manner that will not create a public nuisance or health hazard.
26. Every licensee shall ensure that its boarding kennel is sanitary, well-ventilated and free of offensive odours.

Care of Animals

27. Every licensee shall ensure that any animal suffering from any disease, ailment or injury shall be given care and attention from a veterinarian within 24 hours of the onset of symptoms and that the animal is kept in a quarantine area, separate from all other animals, until a veterinarian certifies that the animal is in good health.
28. Every licensee shall provide each species of animal with adequate food and water specific to the animals' needs.
29. Every licence shall keep all bulk food supplies in pest proof containers.
30. Every licensee shall provide adequate light specific to the needs of each species of animal.
31. Every licensee shall provide its animals with an opportunity for exercise.
32. Every licensee shall ensure that dogs housed in cages less than 2 metres x 1 metre in size are exercised at least twice daily.

Housing of Animals

33. Every licensee shall ensure that every cage or other container used for the keeping or housing of any animal,
 - (a) is of adequate size to permit the animal to stand normally to its full height, to extend its legs and body to their full natural extent, to turn around, and to lie down in a fully extended position;

- (b) is equipped with receptacles for food and water, mounted or situated that they cannot be easily overturned or contaminated;
 - (c) is in good working condition and is not dangerous to the animal's health or well-being;
 - (d) provides adequate enhancement to promote the expression of species appropriate behavioural and mental activities; and
 - (e) is maintained in a clean and sanitary condition at all times with all excrement, refuse and other objectionable material removed at least twice in every 24 hour period, including weekends and holidays.
34. Every licensee shall ensure that any cage used to confine a cat has a solid floor or has a floor made of wire mesh construction where,
- (a) the mesh is covered with a thick plastic cover for ease of cleaning;
 - (b) all spaces in the mesh are smaller than the pads of the feet of the cat; and
 - (c) the mesh is of a thickness, strength and design adequate to prevent injury to the cat.
35. (a) In this section, "doggy daycare" means a boarding kennel in which dogs are boarded in a group environment and only during the day.
- (b) No licensee shall board more than one animal in a single enclosure without prior consent from the animals' owners.
 - (c) Subsection (b) does not apply to a licensed doggy daycare.

Facility Requirements

36. Every licensee shall ensure that all of the following facility standards are met:
- (a) The boarding kennel shall be situated at least 40 m from any school, dwelling unit or other premises used for human habitation, other than the licenced premises.
 - (b) Walls shall be smooth, durable and impervious to facilitate cleaning.
 - (c) Roof coverings fastened to sheathing or directly to the roof joists shall be laid so as to prevent the entrance of rodents and vermin, and covered with suitable materials in order to eliminate leakage and exposure to adverse weather conditions.
 - (d) Ceilings and walls shall abut to prevent rodent infestation.

- (e) Corners of ceilings, walls and partitions shall be caulked and painted to facilitate cleaning.
 - (f) Proper air circulation shall be ensured to prevent the spread of contaminants, viruses, bacteria and moulds.
 - (g) The temperature for an indoor facility shall be maintained at a minimum of 10°C with a maximum of 27°C.
 - (h) Temperatures shall be suitable to the species, breed, coat length, age and condition of the animals housed in the facility.
37. Where the facility is boarding dogs, every licensee shall ensure that all of the following additional facility standards are met:
- (a) Floors shall be of smooth concrete finish or similar like material and shall be adequately sloped to drains.
 - (b) Where floors are on a grade, suitable bedding shall be provided in the form of a raised wood, fibreglass or similar platform, large enough for the dog to lie on.
 - (c) Each dog run shall have a minimal floor area of 2 metres x 1 metres in size.
 - (d) Runs shall be maintained in such a manner to keep the dog securely enclosed.
 - (e) Run surfaces shall be kept safe and not slippery, and free from debris that could cause injury to the dog.
 - (f) Dogs placed in outdoor runs shall be monitored according to weather conditions.
 - (g) All indoor and outdoor hard surface runs shall be disinfected after use by each dog.

Records

38. Every licensee shall record,
- (a) the names and addresses of the owners of all animals boarded at the kennel;
 - (b) emergency contact number for the owners of the animals;
 - (c) the name, breed, description and health records stating any special medical needs of boarded animals; and

- (d) the dates of arrival and departure of all animals.
39. Every licensee shall ensure the records are available for inspection by the City during business hours.
40. Every licensee shall retain the records for the period of 24 months following the end of the term of the licence.

PART IV – ENFORCEMENT

Definition

41. In this Part, “officer” means a municipal law enforcement officer appointed by the City to enforce municipal by-laws or an agent or inspector appointed under the *Ontario Society for the Prevention of Cruelty to Animals Act*.

Inspections

42. An officer may, at any reasonable time, enter upon any land for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
43. For purposes of an inspection, an officer may,
- (a) require the production for inspection of any document 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; 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.
44. Upon request, a licensee shall provide an officer with medical reports for any animal.
45. No person shall withhold, destroy, conceal or refuse to furnish any information or thing required by an officer for purposes of an inspection.
46. No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an officer.

Suspension of Licence

47. The City Clerk may suspend a licence if the licensee fails to comply with any provision of this by-law and such non-compliance is not remedied within seven (7) days following notice from the City specifying the particulars of the non-compliance.

Revocation of Licence

48. The City Clerk may revoke a licence under any of the following circumstances:
- (a) the licence has been issued in error;
 - (b) the licence has been suspended in accordance with section 45 and no satisfactory evidence of compliance has been filed with the City within 60 days from the date of the suspension;
 - (c) the licence has been issued as the result of false, mistaken, incorrect, or misleading statements, information or undertakings on the application or on any submitted documents that formed the basis of the issuance;
 - (d) the licensee has been convicted of a crime against animals; or
 - (e) the licensee requests that the licence be revoked.

Offences and Penalties

49. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act*.
50. No person shall make a false or intentionally misleading recital of fact, statement or representation in any application or other document required by this by-law.

PART V – GENERAL**Short Title**

51. This by-law may be referred to as the “Boarding Kennel Licensing By-law”.

Repeal

52. By-law No. 6299/04 is repealed.

Effective Date

53. This by-law shall come into force on the day of its passing.

By-law read a first, second and third time and finally passed this 21st day of April, 2008.

David Ryan, Mayor

Debi A. Wilcox, City Clerk

SCHEDULE 1

TO BY-LAW NO. 6852/08

LICENCE FEES

Boarding Kennel Licence Fee	\$250.00 per year
Late Fee - A licence holder who has not purchased their licence within 30 days of the expiration of the previous licence.	\$50.00