

THE CORPORATION OF THE TOWNSHIP OF WELLESLEY

BY-LAW NUMBER 48/2000

BY-LAW TO REGULATE AND LICENCE THE  
KEEPING OF DOGS AND DOG KENNELS.

WHEREAS the Municipal Council of The Corporation of the Township of Wellesley deems it desirable to prohibit the running at large of dogs in the Township of Wellesley and to appoint an Animal Control Officer and to provide for the seizing, impounding and killing of dogs found running at large as hereinafter set forth and for licensing and regulating the owners of dogs in the said Township within the meaning of Section 210, Paragraphs 8, 9, 10, 11 and 13 of the *Municipal Act*, R.S.O. 2000, c. M.45, as amended;

AND WHEREAS it is deemed expedient and necessary to further exercise the powers conferred upon local municipalities within the meaning of Section 210, Paragraph 138 of the *Municipal Act*, R.S.O. 2000, c. M.45, as amended.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WELLESLEY ENACTS AS FOLLOWS:

A. DEFINITIONS

1. "Animal Control Officer" means the person or agency so designated by the Council, and any employees or agents of such person or agency, to carry out the provisions of this By-law;
2. "Blind Person" means a person to whom an identification card has been issued by the Attorney-General or an officer of his or her Ministry, pursuant to the provisions of Section 4 of the Blind Persons' Rights Act, R.S.O. 1990, c. B.7.
3. "Council" means the Council of the Corporation of the Township of Wellesley.
4. "Dog" means a male or female dog over the age of twelve (12) weeks, but does not include a Guide Dog OR Special Assistance Dog.
5. "Fees and Charges By-law" refers to the current by-law of the Township to establish fees and charges.
6. "Guide Dog" or "Special Assistance Dog" means a dog, which serves as a guide, or leader for a physically, vision or hearing impaired person or performs search and/or rescue functions and which has been especially trained for that purpose.
7. "Kennel" means a place where a minimum of three (3) purebred dogs are housed, groomed, bred, boarded, trained, sold or kept for hunting or other specific work and which is licensed by the Township under the provisions of the Municipal Act. Crossbred dogs may also be kept in a combination up to the maximum number of dogs permitted by virtue of this By-law, provided a minimum of three (3) purebred dogs is maintained in the kennel and further provided that the kennel facility comply with the Regulations contained in this By-law. Crossbred dogs will be licensed individually in accordance with the Fees and Charges By-law. Kennels existing on the day of passing of the by-law will be restricted to the number of animals for which their existing facilities are designed so long as they comply with the regulations contained herein.
8. "New Kennel" means a place where a minimum of three (3) purebred dogs and maximum of thirty-five (35) dogs are housed, groomed, bred,

boarded, trained, sold or kept for hunting or other specific work and which is licensed by the Township under the provisions of the Municipal Act. Crossbred dogs may also be kept in a kennel provided a minimum of three (3) purebred dogs is maintained and up to the maximum permitted number of dogs. For the purposes of this By-law, a "New Kennel" is any kennel operation for which application is made to the Township of Wellesley after the date of the passing of this by-law.

9. "Owner" means any person who possesses or harbours a dog and "own, owns or owned" have a corresponding meaning.
  10. "Pound" means the place so designated by the Council.
  11. "Poundkeeper" means the person or agency so designated as the Animal Control Officer for the Township.
  12. "Township" means the municipality of the Corporation of the Township of Wellesley.
  13. "Zoning By-law" refers to the current comprehensive Zoning By-law, as amended, of the Township of Wellesley.
  14. "Rural Area" of the Township of Wellesley means those area in the Township which are outside of designated settlement areas in the Official Plan for the Township.
  15. "Urban Area" of the Township of Wellesley means those areas within the settlement areas as designated in the Official Plan for the Township of Wellesley.
  16. "Body Length" means the length of the dog measured from the point of the nose to the tip of the fully extended tail when the dog is fully stretched out.
- B. ANIMAL CONTROL OFFICER**
1. Council, in each year, shall, by Resolution, appoint an Animal Control Officer whose duty it shall be to:
    - (a) issue licenses and dog tags in accordance with the provisions of this By-law;
    - (b) collect license fees in accordance with the provisions of Schedule "A" of this By-law;
    - (c) issue violation tags in the manner hereinafter set forth;
    - (d) keep accurate records of all licenses and dog tags issued pursuant to this By-law and such records must show the dog owner's name and address and the serial number of the dog tag;
    - (e) report to Council once a month on all matters relating to this By-law;
    - (f) carry out orders of the Mayor and Council.
  2. Council may, in each year, by Resolution, appoint a person recommended by the Animal Control Officer as a Deputy Animal Control Officer whose duty shall be to replace the Animal Control Officer during the absence from the Township of the Animal Control Officer. During the absence from the Township of the Animal control Officer, the Deputy Animal Control Officer shall have the same duties as are herein set forth for the Animal Control Officer.
  3. The Animal Control Officer shall be paid an annual salary to be fixed by Council. In addition to the salary above-mentioned, the Animal Control Officer shall be paid those license fees set out in Schedule "A" attached hereto, provided said fees are actually collected by him/her. The Deputy Animal Control Officer shall receive remuneration from the Animal Control Officer and shall not be paid by the Township.

**C. LICENSING AND FEES**

1. (a) Every owner of a dog, before the 15<sup>th</sup> day of April in each year or within 21 days of becoming the owner of a dog, shall license and register each dog with the Township of Wellesley.
- (b) The owner of a dog or dogs shall pay a fee for any dog license(s) in accordance with the requirements contained in Schedule "A" attached to and forming part of this By-law.
2. Every license issued pursuant to this section shall expire on the 31<sup>st</sup> day of December in the year in which it was issued.
3. (a) Upon payment of the appropriate license fee for a dog, the Township shall supply the owner with a dog tag and the owner shall keep the tag securely fixed on the dog at all times that the dog is off the property of the owner of that dog, until the tag is renewed or replaced.
- (b) No person shall remove the tag from a licensed dog, except while the dog is being lawfully used for hunting.
4. The tag shall bear the serial number and the year in which it was issued.
5. A record shall be kept by the Township of Wellesley Animal Control Officer showing the name and address of the owner and the serial number of the tag.
6. Upon application for a license, the Township may require the owner to produce a certificate signed by a practicing veterinarian that the dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months immediately preceding the date of the application for the license.
7. If required, the applicant for a license for a spayed female or neutered male dog shall produce a certificate from a veterinarian surgeon that such dog has been spayed or neutered.
8. In the event a dog tag is lost, an owner shall apply for a replacement dog tag and shall pay the fee as set out more particularly in Schedule "A" attached hereto.
9. No license or dog tag shall be transferable and the dog tag shall expire and become void upon the sale, death or other disposal of the dog.
10. Any dog resident in the Township for a period of eight (8) weeks or more shall be required to be licensed pursuant to the requirements contained in Schedule "A" attached to this By-law.
11. An owner of a Guide Dog or/or Special Assistance Dog, upon providing proof that the dog has been trained and certified as such, shall be granted an exemption to the license fee pursuant to the requirements contained in Schedule "A" attached to this By-law.
12. A Senior (age 65 or more) Citizen shall be eligible for a fifty percent (50%) reduction in the license fee pursuant to the requirements contained in Schedule "A" attached to this By-law for a maximum of two companion or Special Service dogs.

**D. KENNELS**

1. Every owner/operator of a kennel shall apply for and pay a license fee in accordance with the requirements contained in Schedule "A" attached to this By-law.
2. The owner of a kennel shall pay a kennel license fee in accordance with the requirements contained in Schedule "A" attached to this By-law and no further fee shall be payable in respect of such purebred dogs up to a maximum of three (3) purebred dogs.
3. Each kennel shall conform to the requirements of the Zoning By-law and no kennel, run, pen or exercise yard shall be erected contrary to the provisions of such Zoning By-law.

4. An application for a kennel license or renewal shall be submitted in the proper form as provided by the Township, including a detailed site plan and the appropriate fee, to the Animal Control Officer.
  5. Any application for a new kennel shall be subject to a prior circulation and public meeting for a decision by Council as to whether or not a license shall be granted whether or not such application shall comply with the terms and provisions of the applicable Zoning By-law.
  6. Applications for a new Kennel in the Township of Wellesley will only be permitted where purebred/registered/recognized breeds are being maintained.
  7. No kennel shall be located within a minimum of one hundred and fifty (150) metres (492 feet) of any adjacent habitable building, building used for the keeping of livestock or any road allowance excluding buildings of the owner of the property on which the kennel is located.
  8. The Township may require the owner/operator of a kennel to erect and install a proper fence, minimum height of four (4) feet around every pen, run or exercise yard. Such fence shall be constructed so as to prevent visibility from the exterior and to provide acoustical barriers where necessary, as determined by the Township.
  9.
    - (a) After having given notice in writing, the Township may, at any time, cancel a kennel license when it is of the Township's opinion that the continued operation of the kennel is not in the best interest of the Township. Such grounds for cancellation may include unresolved problems of noise, sanitation, care of dogs, or uses other than permitted by the kennel license, as determined by the Township.
    - (b) The written notice described in Subsection (a) above shall be delivered in person or mailed by prepaid registered mail to the registered owner of the kennel.
  10. No person shall operate a kennel unless he/she is the owner of the property on which the kennel is located.
  11. No person shall operate or continue to operate a kennel without a valid license.
  12. All kennel licenses shall be valid for a one-year period commencing January 1 in the year of issuance and expiring on December 31 of the same year.
  13. Kennel licenses shall only be issued by the Council of the Township of Wellesley *once* council is satisfied that the Site Plan required in 4 above has been completed in accordance with the specific standards for Kennels contained in this by-law.
  14. Every Kennel owner/operator existing at the time of the passage of this by-law shall comply with the terms and provisions of this by-law within a period of fourteen (14) months from the date of the passage of this By-law.
  15. Kennels existing on the day of passing of this by-law may continue to house the existing number of dogs provided that the standards for kennels contained in this by-law are complied with within fourteen (14) months of the passing of this by-law.
  16. Kennels shall be owned, managed and operated by the property owner on which the kennel is located and the Kennel owner/operator/manager shall reside on the subject property.
- E. KENNEL CONDITIONS**
1. Every person who owns and operates a kennel shall construct the kennel facilities in accordance with the following regulations:
    - (a) No animal shall be kept in unsanitary conditions including an accumulation of faeces, odour, insect or rodent infestation.
    - (b) The kennel building shall have floors and walls made of concrete or other impermeable material ( including rigid plastic ). Wire floors will not be permitted.

- (c) The floor of the kennel building shall be self-draining with a maximum five (5) minute drain time.
- (d) The yards and runways associated with kennel operation shall be completely enclosed with a fence as required in Section D.8 of this by-law.
- (e) Every kennel shall be properly equipped with accessible fresh water and adequate feed both in clean, properly sized containers to maintain animals in a healthy condition.
- (f) Every kennel shall be provided with adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions.
- (g) Every kennel shall be provided with adequately shaded, open air runs, properly fenced to maintain control of the dogs and with adequate space to accommodate the breed of dog being housed.
- (h) Every kennel shall be constructed to provide the following individual pen minimum space per dog:
  - (i) 13 kgs - 1.0 sq.m. per dog
  - (ii) 12 - 30 kgs - 2.0 sq. m. per dog
  - (iii) 30 kgs - 50 kgs. - 2.5 sq.m. per dog
  - (iv) 50 kgs - sufficient space for the animal to stretch or stand to its full body height and full body length ( Minimum 2.5 sq. m. per dog)

**F. BREEDING KENNEL CONDITIONS**

- 1. Every Breeding Kennel shall maintain the whelping bitch in separate accommodation from the balance of the dogs in the kennel and shall provide 2 ½ times the size of the whelping bitch.
- 2. The whelping box shall be constructed with four sides and a floor made from impermeable materials.
- 3. Adequate supplemental heat shall be required in winter conditions.
- 4. All breeding kennels shall provide sufficient designated space for the proper enrichment and socializing of puppies to be offered for sale.

**G. RECORDS**

- 1. Every person who operates a kennel shall maintain records of the following minimum information:
  - (a) The names and addresses of the owners of all dogs cared for at the kennels;
  - (b) The dates of arrivals and departures of individual dogs from the kennels;
  - (c) Breeding and identification records of all whelping bitches and stud dogs and the resulting litters;
  - (d) The names and addresses of the purchasers of individual puppies;
  - (e) Veterinarian records on individual dogs maintained in the kennel.

**H. KENNEL INSPECTIONS/POSTING OF LICENSE**

1. Every person who holds a kennel license or the owner/operator of the kennel shall, at all reasonable hours, be open to inspection by the Township Animal Control Officer and/or the Township By-law Enforcement Officer, Ontario Society for the Prevention of Cruelty to Animals or such other person trained in the area of disease control and sanitation as may be appointed by Council.
2. Every person who holds a kennel license or the owner/operator of the kennel shall keep the license posted up in some conspicuous place on the premises and shall, when so requested by any person authorized by the Township, produce such license for inspection.

**I. DOGS RUNNING AT LARGE**

1. No owner of a dog shall allow or permit such dog to run at large.
2. A dog shall be deemed to be running at large if it is found in any place other than the premises of the owner of the dog, not on a leash, and not under the control of a responsible person.
  - (a) Any dog found running at large contrary to this by-law may be seized and held in a township pound or township designated pound.
  - (b) Payment for such impounding shall be according to the rates as determined by the Council or the Pound from time to time.
  - (c) A dog will not be released until the owner of the dog pays a fee to be determined from time to time by the Council. The proceeds from any dog sold by the poundkeeper shall belong to the Pound.
  - (d) A dog shall not be considered to be running at large if it is a Guide Dog or a dog involved in police work or if it is a dog being lawfully used for hunting. If an animal kill occurs by a dog being lawfully used for hunting, the provisions of the Livestock, Poultry and Honey Bee Protection Act will prevail.

**J. DOG WASTE/LEASH LAW**

1. The owner of a dog or the responsible person in control of the dog except a Guide Dog shall remove forthwith and dispose of in a sanitary manner any excrement left by the dog under his or her control anywhere in the Township, other than the premises of the owner of the dog.
2. The owner of a dog shall ensure that such dog is kept on a leash and under the control of a responsible person when not on the property owned by the owner of the dog.

**K. MISCELLANEOUS MATTERS**

1. The Township, its agents, Animal Control Officer and the Poundkeeper shall not be liable for damages or compensation for any dog injured or killed under the provisions of this by-law and no such damages or compensation shall be paid to any person.
2. Subject to the provisions of this By-law applicable to Kennels, no owner or occupier of a premises in the rural area of the Township of Wellesley shall keep more than three (3) dogs on any one property save and except that this by-law shall not apply to:
  - (a) An animal hospital or veterinarian clinic;
  - (b) A pet store;
  - (c) An Ontario Humane Society shelter or the Pound designated by this by-law;

- (d) Dogs under the age of twelve (12) weeks in age;
  - (e) A licensed Kennel.
3. Subject to the provisions of this By-law applicable to kennels, no owner or occupant of a premises in the urban area of the Township of Wellesley shall keep more than three dogs on any one property save and except that this by-law shall not apply to:
- (a) An animal hospital or veterinarian clinic;
  - (b) A pet store;
  - (c) An Ontario Humane Society shelter or the Pound designated by this by-law;
  - (d) Dogs under the age of twelve (12) weeks in age.
4. Crossbred dogs shall be licensed individually in accordance with the requirements of Schedule "A" attached to this By-law.
5. Any kennel which existed on the day of the passing of this by-law shall be restricted to the number of animals for which their existing facilities are designed provided that these existing kennels comply with the Regulations contained in this by-law.
6. Crossbred dogs may also be kept in a new kennel up to a maximum of Thirty-Five (35) dogs permitted by this By-law provided that a minimum of Three (3) purebred dogs are maintained in the kennel.
7. No owner of a dog shall permit the dog to make any noise likely to disturb the inhabitants of the Township of Wellesley.
8. Any new kennels which are established after the passage of this by-law:
- (a) may only license, keep or raise purebred/registered or recognized breeds of dogs;
  - (b) may contain only a maximum number of Thirty-Five (35) dogs, subject to compliance with the requirements contained in this by-law.

**L. FEES**

1. Every owner of a dog or of a kennel shall pay the fees set out in Schedule "A" to this by-law and in accordance with the requirements of this by-law.

**M. PENALTY PROVISIONS**

1. Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
2. Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions shall remain in full force and effect.

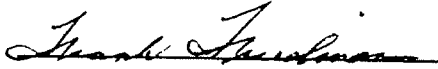
**N. REPEAL OF BY-LAWS**

1. Township of Wellesley By-law No. 55/90 and any amendment to that By-law and any other By-laws inconsistent with the provisions of this By-law shall be deemed to be repealed on the day that the Chief Judge, Ontario Superior Court of Justice, approves the set fines with respect to the offences contained in this By-law pursuant to Part 1 of the Provincial Offences Act.

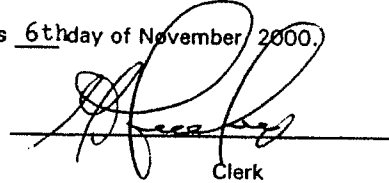
**O. EFFECTIVE DATE OF THIS BY-LAW**

1. This By-law shall be deemed to come into force on the day that the Chief Judge, Ontario Superior Court of Justice, approves the set fines with respect to the offences contained in this Bylaw pursuant to Part 1 of the Provincial Offences Act.

READ A FIRST AND SECOND TIME this 6<sup>th</sup> day of November 2000.



Mayor

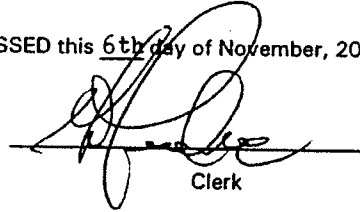


Clerk

READ A THIRD TIME AND FINALLY PASSED this 6<sup>th</sup> day of November, 2000.



Mayor



Clerk