

# THE MUNICIPALITY OF HASTINGS HIGHLANDS

## BY-LAW # 66-04

Being a by-law to regulate the operation of dog and cat kennels within the Municipality of Hastings Highlands.

**WHEREAS**, the Municipal Act, RSO 1990, Section 210 (2), cM 45 permits Municipalities to pass by-laws for regulating establishments for the breeding or boarding of animals within the Municipality.

**NOW THEREFORE**, the Council of the Corporation of the Municipality of Hastings Highlands enacts the following sections as part of this by-law:

### SECTION 1: INTERPRETATION:

In this by-law:

- A. "COMMERCIAL KENNEL" means any person, partnership, corporation, shop or place of business, whether operated separately or in connection with another business enterprise, which sells, offers for sale, lets for hire for breeding purposes, trains, gives away, boards, grooms, washes or provides with non-medical care cats and dogs which are kept or raised on the premises or kept at other facilities under contractual arrangements, provided such term shall not include "HOBBY BREEDERS" or establishments which are otherwise licensed for the above in this Municipality.
- B. "HOBBY BREEDER" means any place which sells, offers for sale, lets for hire for breeding purposes, trains, gives away, boards, grooms, washes or provides with non-medical care six or less cats or dogs in any calendar year.
- C. "DOG" means any male or female canine of any age of any of the breeds of domesticated dogs and any of the cross-breeds, thereof.
- D. "CAT" means any male or female feline of any age of any of the breeds of domesticated cats and any of the cross-breeds thereof.
- E. "INSPECTOR" means any person duly qualified and authorized by the Ontario Humane Society, or by the local Municipality for the purpose of enforcing this by-law.
- F. "VETERINARIAN" means any person registered under the "Veterinarians Act".

### SECTION 2: LICENCE REQUIRED:

- A. No person, partnership or corporation in the Municipality of Hastings Highlands shall keep a kennel without first paying the amount of the licence fee and obtaining a licence under this by-law entitling him to do so, by paying a yearly fee set by Council to be \$100.00.
- B. No licence shall be issued to the keeper of a kennel unless and until the licencing agent has been furnished with satisfactory proof that:
  - 1) the premises upon which the kennel is located complies with all existing safety and health requirements as stipulated in building and fire and health by-laws and regulations.
  - 2) the operator has the necessary qualifications as required by this by-law.
- C. Every operator of a kennel shall post said licence on the premises in respect of which the licence is issued, in some conspicuous place.
- D. Each licence for a kennel, unless otherwise specified, shall be in force for the calendar year in which it is issued.
- E. Every licence is subject to the conditions that the holder complies with this schedule and the regulations and with the conditions that are imposed by these regulations.
- F. No licence shall be transferred except with the consent in writing of the Municipality.
- G. Failure to apply for a licence prior to the opening of a commercial kennel or within 30 days of renewal shall constitute a contravention of this by-law.

### SECTION 3: OPERATION AND MAINTENANCE:

The licence holder shall be responsible for the following requirements, namely:

- A. The operator or manager of the kennel shall be qualified in dog/cat care and reproduction or have comparable practical experience in a related field of animal management.
- B. All persons responsible for the care, feeding and cleaning of dogs/cats on the premises shall be adequately trained in the handling and care of all dogs/cats under their charge.
- C. A sufficient number of employees shall be utilized to provide the required care and maintenance of all animals and facilities on the premises.

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- D. Buildings and primary enclosures shall be of adequate structure and maintained in good repair so as to ensure protection of the animals from injury.
- E. Ceilings, walls and floors shall be constructed as to lend themselves to efficient cleaning and sanitizing. Such surfaces shall be kept in good repair and maintained so that they are substantially impervious to urine and other moisture. Floors and walls to a height of four feet shall have finished surfaces.
- F. A security fence of adequate height, type and construction shall be erected to prevent animals escaping from the premises.
- G. All dogs/cats housed on the premises shall be supplied with suitable quarters which shall be kept in a sanitary, clean and comfortable condition, free from offensive odours, namely:
- 1) temperature: the temperature shall be kept and maintained at a level which is appropriate and healthful for the particular breed of dog/cat confined therein;
  - 2) lighting: Light in the premises shall be adequate for observation of all dogs/cats on the premises and to permit proper housekeeping.
  - 3) adequate ventilation shall be provided for the comfort of the dogs/cats. Such ventilation shall be provided in a way as to minimize drafts, moisture, condensation, odours of stagnant vapours of excreta.
  - 4) indoor housing facilities shall be provided for dogs and cats under the age of eight weeks and for dogs and cats within two weeks of whelping.
  - 5) food supplies and bedding materials shall be stored so as to protect them from contamination and from other factors which would render the food or bedding unclean.
  - 6) equipment shall be available for removal and disposal of all waste materials from housing facilities to minimize vermin infestation, odours and disease hazards. Drainage systems shall be functional to effect the above purposes.
  - 7) washrooms, basins or sinks shall be provided within or be readily accessible to each housing facility, for maintaining cleanliness among animal caretakers and sanitizing of food and water utensils.
  - 8) facilities shall be provided to isolate sick or deceased animals.
  - 9) litter pans containing clean litter shall be provided at all times for kittens or cats.
- H. Cages shall be provided which are:
- 1) Equipped with receptacles for food and water that are mounted or situated so that they cannot be easily overturned or contaminated.
  - 2) Constructed for animals with floors of either solid construction or wire mesh construction, or any combination thereof, provided that cages that have wire mesh floors are designed in such a manner that:
    - a) the spaces between the wire mesh are smaller than the pads of the feet of the dogs/cats confined therein;
    - b) the wire is of sufficient thickness to support the weight of the dogs/cats and so designed as to prevent injury to the dogs/cats confined therein.
  - 3) Of sufficient size and height to permit the dogs/cats confined therein to stand normally to full height, to turn around, and to lie down in a fully extended position and sufficient exercise area to enable each dog/cat to exercise freely and easily to maintain physical health and well being.
  - 4) Outdoor runs and exercise areas shall be of sound construction and kept in good repair so as to safely contain the animal(s) therein without injury. Floors shall be concrete, gravel or materials which can easily and regularly be cleaned and kept free from waste accumulation.
- I. Group housing shall be permitted for animals which are owned by the same person and/or which are compatible with one another and providing adequate space has been allocated.
- J. Females in estrus shall not be kept or exercised with males except for breeding purposes.
- K. Fresh drinking water shall be provided for every dog/cat daily, or more often as may be necessary, including Sundays and Holidays, to maintain a potable supply at all times readily available to each dog/cat.
- L. Feed shall be provided for every dog/cat at least once each 24 hour period including Sundays and holidays which is of sufficient nutritive content for the health and well-being of the dogs/cats. Young animals shall be fed at more frequent intervals and with specific diets as their needs shall dictate.
- M. Cage locations: Cages shall be located within the premises in such a way as to provide maximum comfort to satisfy the known and established needs for a particular breed and shall be provided with safeguards to prevent extreme environmental changes.

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- N. All cages and enclosures shall be cleaned and sanitized between use in containing animals owned by different persons.

**SECTION 4: HEALTH AND DISEASE CONTROL**

- A. Each dog/cat indicating signs of sickness or disease shall be promptly examined or appropriately treated by a veterinarian.
- B. All housing facilities shall be cleaned a minimum of once in any 24 hour period and more frequently as may be necessary to reduce disease hazards and odours.
- C. Programs of disease prevention and control shall be established and maintained.
- D. Any dog or cat which is known to have been exposed to or shows symptoms of parasitism or malnutrition sufficient to adversely affect the health of the animal is restricted from sale or transfer.

**SECTION 5: RECORDS:**

- A. A record shall be kept for each dog/cat purchased or otherwise obtained, sold or otherwise disposed of, shall be entered in plain legible hand with an adequate description of :
- 1) each dog/cat individually
  - 2) date of transaction
  - 3) name and address of supplier or recipient.
- B. This register shall be retained for a period of at least 12 months from date of transaction.
- C. Whenever any such Licencee sells or otherwise disposes of a dog or cat the Licencee shall provide the purchaser with:
- 1) a receipt showing the name, address of the vendor, address of the purchaser, state of sale, sale price, breed or cross breed, sex, age, description including colour and placing of markings, if any.
- D. It shall be the duty of the Licencee to see that the aforesaid register is not mutilated or destroyed and it shall be open to inspection by the commission or any person designated thereby, at all times during business hours and may be removed at any time for inspection or for use in Courts, if necessary. The person licenced shall be responsible for neglect to make the necessary entries in the said register.

**SECTION 6: INSPECTION**

- A. An inspector may enter any building or premises covered by the licence issued under this by-law for the purpose of enforcing this by-law, at all reasonable times during normal business hours.
- B. No person shall hinder or obstruct an Inspector in the course of his duties or furnish him with false information, or refuse to furnish him with information.
- C. An Inspector may seize any dog or cat found to be housed in violation of this by-law. If after a public hearing, a licence is suspended or revoked, such animals may be returned to their owners, sold or euthanized at the discretion of licencing agent. The expense of harbouring and treating such animals shall be born by the licensee.

**SECTION 7: PENALTY**

- A. Every person who contravenes any of the provisions of this by-law is guilty of an offence under the Provincial Offences Act and is, on summary conviction, liable to a fine of not less than \$50.00 and not more than \$5,000.00 exclusive of costs.
- B. Each and every violation of this by-law shall be considered a separate offence.

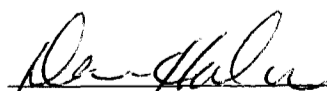
**SECTION 8: GENERAL**

This By-Law will not come into force and take effect until the first day of January 2005.

Read a first, second and third time and finally passed, this 8<sup>th</sup> day of December, 2004.



Donald C. Bloom, Mayor



Dawn Halcrow, CAO/Clerk