



BY-LAW NO. 2005-123

**"A BY-LAW TO LICENCE, REGULATE AND GOVERN DOG
KENNELS WITHIN THE CITY OF OWEN SOUND"**

Originally Passed and Enacted June 27, 2005

Amended By By-law:	Passed On:
2013-030	February 11, 2013

Consolidated Version
Revised and Verified February 21, 2013

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

BY-LAW NO. 2005-123

THE CORPORATION OF THE CITY OF OWEN SOUND

**A BY-LAW TO LICENCE, REGULATE AND GOVERN
DOG KENNELS WITHIN THE CITY OF OWEN SOUND**

WHEREAS Section 150 of the *Municipal Act*, 2001, c.25 empowers municipalities to license, regulate and govern any business wholly or partly carried on within the municipality; and

WHEREAS the Council of The Corporation of the City of Owen Sound deems it appropriate to enact a By-law to licence, regulate and govern persons operating dog kennels; and

WHEREAS, except as otherwise provided, a municipality may only exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes – health and safety, nuisance control and consumer protection; and

WHEREAS a By-law Licensing or imposing any condition shall include an explanation as to the reason the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under the *Municipal Act*, 2001, Section 150 (2); and

WHEREAS the Council of The Corporation of the City of Owen Sound held a public meeting on June 20, 2005, pursuant to Section 150 (4) of the *Municipal Act*, 2001, c.25, prior to the adoption of this By-law.

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

PART 1

DEFINITIONS

1. For the purpose of this By-law the following definitions apply:
 - 1.1 **“dog”** means a male, female, spayed female or neutered male dog over the age of three months.
 - 1.2 **“kennel”** means a kennel of dogs which are all registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada).
 - 1.3 **“licence”** means the receipt issued by the Treasurer of the City of Owen Sound or the Treasurer’s authorized agent upon registration of a kennel and payment of the appropriate fee.
 - 1.4 **“licence fee”** means the licence fee established by City Council set out in the Fees and Charges By-law, as amended from time to time.
 - 1.5 **“owner”** of a dog includes a person who possesses or harbours a dog and where the owner is a minor, the person responsible for the custody of the minor, and owns and owned have a corresponding meaning.

PART II**LICENSING OF KENNELS**

REASON The operation of kennels can be a public nuisance if they are not restricted to appropriately designated areas. This reason relates to nuisance control.

2. No person shall keep a kennel of dogs in the City of Owen Sound except under the authority of a currently valid licence which must be renewed annually before the fifteenth day of January in each year.
 - 2.1 Every person making application for a licence to keep a kennel of dogs shall:
 - 2.1.1 Make application in writing and provide proof that every dog in the kennel is registered or is eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada).
 - 2.1.2 Pay the annual licence fee as set out in the Fees and Charges By-law, as amended from time to time.
 - 2.1.3 A kennel licence shall not be issued or renewed unless the applicant complies with the requirements of other relevant By-laws of the City of Owen Sound in force from time to time.
 - 2.1.4 A kennel licence as required under this By-law shall not be available for any property which is located in a zone established under the City of Owen Sound Zoning By-law which does not permit as a permitted use a kennel as defined under the said zoning by-law.
 - 2.1.5 The owner of a kennel of dogs who holds a current and valid kennel licence issued by the City of Owen Sound shall not be required to pay any further licence fees in respect of each dog in the kennel so long as the dog is kept in the kennel.
 - 2.1.6 No person shall keep or permit any other person to keep in or upon any lands, premises, or dwelling unit at any time, more than two (2) dogs unless such person has obtained a kennel licence pursuant to this By-law except that the owner of a dam of a litter may keep in or upon said lands, buildings or premises the litter so born until each dog has attained the age of ten (10) weeks.
 - 2.1.7 The Council of the City of Owen Sound may refuse to issue or to renew a licence for a kennel of dogs after first providing the applicant with an opportunity for a hearing pursuant to the provisions of the *Statutory Powers Procedure Act*.
 - 2.1.8 Every owner or operator of a kennel of dogs shall allow access to the facility, for the purpose of inspection at all reasonable hours, to any person appointed by the City of Owen Sound to enforce the provisions of this By-law.

PART III

PENALTIES

- 3. Any person who contravenes any of the provisions of this By-law is guilty of an offence.
- 3.1 Any person convicted of an offence under any section of this By-law shall forfeit and pay a fine which shall be recovered under the provisions of the *Provincial Offences Act*.
- 3.2 In accordance with Sections 150 (8) of the *Municipal Act*, 2001, C.25, the City may require the payment by a licensed business of additional fees at any time during the term of the licence for costs incurred by the City attributable to the activities of the business.

PART IV

BY-LAWS REPEALED

- 4. Part III of By-law No. 1993-132 is hereby repealed.

This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 27th day of June, 2005.

Signature on File
Mayor

Signature on File
Deputy Clerk