

# The Corporation of the Town of Minto

## By-Law 2019-39

### to Regulate and License the Keeping of Dogs and Dog Kennels in the Town of Minto

WHEREAS Section 2 of the Municipal Act, 2001, S.O. 2001, c.25 as amended (hereinafter called “the Act”) provides that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and that each municipality is given powers and duties under the Act and many other Acts for purposes which include, among other things, fostering the current and future social and environmental well-being of the municipality;

AND WHEREAS under Section 8 of the Act provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues, and Section 9 of the Act states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or under any other Act;

AND WHEREAS under subsection 11(3) of the Act the Corporation of the Town of Minto may pass by-laws within the “Animals” sphere of jurisdiction and subsection 8(3) of the Act provides that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter;

AND WHEREAS Section 11 of the Act provides that without limiting the generality of Section 9 a by-law under the Act may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate;

AND WHEREAS Section 103 of the Act provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals (which term includes dogs), it may provide for the seizure and impounding of dogs being at large contrary to the By-law and the sale of impounded dogs;

AND WHEREAS subsection 129(a) of the Act provides that a municipality may regulate with respect to noise.

#### A. Definitions

1. “Visually Impaired 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.
2. “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 full stretched out.
3. “Clerk” means the CAO and/or Clerk of the Corporation of the Town of Minto.
4. “Council” means the Council of the Corporation of the Town of Minto.
5. “Dangerous Dog”
  - a) Means a dog that, in the absence of any mitigating factor, has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
  - b) Means a dog that, in the absence of any mitigating factor has significantly injured a domestic animal; or,
  - c) Means a dog previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

1. "Dog" means a male or female dog over the age of twelve (12) weeks.
2. "Dog Control Officer" means the person or agency so appointed by the Council and any employees or agents of such person, or an agency or Provincial Offences Officer having jurisdiction within the Municipality to carry out, enforce and implement the provisions of this By-law.
3. "Dwelling Unit" means one room or a group of rooms in a building used or designed or intended to be used by a person or persons as a single, independent and separate housekeeping establishment.
4. "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.
5. "Inspector" means a person appointed by the municipality to be responsible for enforcing the Municipality's By-laws and may include but not be limited to the Dog Control Officer, a By-law Enforcement Officer or a Provincial Offences Officer.
6. "Kennel" means an establishment where more than three (3) and twenty-five (25) or less dogs are housed, groomed, bred, boarded, trained or sold.
7. "Mitigating Factor" means a circumstance which excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:
  - a) The dog was at the time of the aggressive behaviour acting in defense to an attack from a person or domestic animal;
  - b) The dog was at the time of the aggressive behaviour, acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its owner; or
  - c) The dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.
6. "Municipality" means the Corporation of the Town of Minto.
7. "Muzzle" means a humane fastening or covering device of adequate strength placed over a dog's mouth to prevent it from biting.
8. "Noise" means the sound made by any dog which unreasonably disturbs the peace, quiet, comfort or repose of any person within the Town of Minto for a period that exceeds 30 minutes.
9. "Owner" means any person, partnership, association or corporation who possesses or harbours a dog. "Own", "owns" or "owned" have a corresponding meaning.
10. "Potentially Dangerous Dog" means a dog that in the absence of any mitigating factor, chases or approaches any person or domestic animal anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including but not limited to behaviour such as growling or snarling.
11. "Pound" means the place so designated by the Council of the Town of Minto for the detention of dogs that have been impounded pursuant to this by-law or the Dog Owners Liability Act.
12. "Pound Fee" includes any fees or daily charge incurred by the Town of Minto with respect to the enforcement of the provisions of this by-law.
13. "Running at Large" means an animal that is not on the property of the owner and not on a leash and under the control of a person responsible.
14. "Town" means the municipality of The Corporation of the Town of Minto.

15. "Treasurer" means the Treasurer of the Corporation of the Town of Minto.
16. "Waste Management System" means a method of collecting, storing and disposal of waste in a sanitary manner.
17. "Zoned" means a land use designation in a Zoning By-law passed under the provisions of The Planning Act.
18. "Zoning By-law" refers to the Town of Minto Comprehensive Zoning By-law 01-86, as amended.

#### **B. Dog Control Officer**

1. Council, in each year, shall by Resolution, appoint a Dog Control Officer whose duty it shall be to;
  - a) To carry out, enforce and implement the provisions of this By-law.

#### **C. Licensing and Registration Fees**

1. a) Every owner of a dog, before the last day of March in each year or within 21 days of becoming the owner of a dog, shall license and register each dog with the Town of Minto.
  - 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 March the year after it was issued.
3. a) Upon payment of the appropriate license fee for a dog, the Town shall supply the owner with a dog tag and the owner shall always keep the tag securely affixed on the dog when the dog is off the property of the owner.
  - b) No person shall remove the tag from a licensed dog, except while the dog is being lawfully used for hunting.
4. Every dog tag shall bear the dog tag number.
5. A record shall be kept by the Clerk of the Town of Minto showing the name and address of the owner and the number of the tag and any other information as may be considered necessary.
6. Upon application for a license, the Town 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 that the veterinarian deems necessary.
7. If required, the applicant for a license for a spayed female or neutered male dog shall produce confirmation from a veterinarian surgeon that such dog has been spayed or neutered.
8. In the event a dog tag is lost or becomes illegible, an owner shall apply for a replacement dog tag and shall pay the fee as set out in Schedule "A" attached to this By-law.
9. Notwithstanding subsection C.1.b) herein, an owner of a Guide Dog and/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 payment requirements contained in Schedule "A" attached to this By-law.

#### **D. Provision of Needs**

1. Every person who keeps dog(s) within the municipality shall provide the animal or cause it to be provided with:
  - a) Clean, fresh drinking water readily available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
  - b) Food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
  - c) The opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and,
  - d) Necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering.
2. Every person who keeps a dog which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with an enclosure that meets the following criteria;
  - a) A total area that is at least twice the length of the animal in all directions;
  - b) Contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the dog's weight and type of coat. Such shelter must provide sufficient space to allow the dog the ability to turn around freely and in a normal position;
  - c) In an area providing sufficient shade to protect the dog from the direct rays of the sun at all times; and,
  - d) Pens and run areas must be regularly cleaned and sanitized and excreta removed and disposed of properly.
3. No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
4. No person may cause an animal to be hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.
5. No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.
6. No person may transport an animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

#### **E. Dogs Running at Large**

1. No owner of a dog shall allow or permit such dog to run at large within the limits of the Town of Minto.
2. A dog shall be deemed to be running at large if it is found in any place other than the property of the owner of the dog, and it is not both on a leash and under the control of a competent and responsible person; provided that for a Guide Dog or Special Assistance Dog it is necessary only that it be under the control of a responsible person.
3. Any dog found running at large contrary to this by-law may be seized and impounded and may, after three (3) days have elapsed, excluding the day it was impounded and statutory holidays, be sold, transferred or euthanized.
4. Any dog seized and impounded and not sold, transferred, may be claimed by the owner upon production of a current Town of Minto dog tag and upon payment of a fee to the Town of Minto as set out in Schedule "A".
5. The owner of any dog seized and impounded shall pay the Pound Fee to the Town of Minto as set out in Schedule "A".



6. Subsection E. 3. shall be implemented and acted upon in accordance with the requirements and provisions of Section 20 of the Animals for Research Act, R.S.O. 1990, c. A.22.

#### **F. Kennels**

1. Each Kennel shall comply with all applicable requirements of the Town of Minto Zoning By-law 01-86, as amended, and comply with all provisions of this By-law. Notwithstanding the foregoing, any Kennel which was issued a valid 2004 Kennel license by the Town of Minto but does not comply with the following provisions of this By-law for Kennels, shall be deemed to comply with them but only the limit of non-compliance therewith as of the date of the passing of this By-law: that is the maximum limit of twenty-five (25) dogs and the minimum Kennel separation distance provided for in paragraph 2 below. Attached to this By-law as Schedule "C" are the Kennels licensed in 2004 and inspected by a Dog Control Officer. Those conditions shall remain in full force and effect, unless the number of dogs has been reduced by the kennel owner/operator for a period of two (2) consecutive years, then the number of dogs will be reduced to a maximum of twenty five (25) dogs
2. No Kennel, or facility or structure used in connection therewith, may be located within a zone other than an Agricultural Zone and a distance of 150 metres (492 feet) of any adjacent property owners habitable building or buildings for the keeping of livestock.
3. Every owner/operator of a new Kennel shall apply for and obtain a Kennel license prior to the commencement of the Kennel operation. Every owner/operator of an existing Kennel shall, before the end of business on the last day of March in each year, apply for and obtain a new Kennel license in accordance with Schedule "B" of this By-law and shall pay the Kennel license fees in accordance with the requirements contained in Schedule "A" of this By-law.
4. An application for a Kennel License or renewal shall be submitted on the prescribed form being Schedule "B" to this By-law or as otherwise provided by the Town, including a detailed site plan and with the appropriate fee and any other information deemed required to the Clerk.
5. All new licenses and renewal licenses for a Kennel in the Town of Minto will only be approved after a Dog Control Officer has inspected and approved the premises ensuring compliance with this By-law. Inspection fees charged by the Dog Control Officer are to be paid by the applicant at the time of the application in accordance with the fees as set out in this By-law on Schedule "A".
6. The fee for a Kennel license shall cover all dogs owned and maintained by the kennel owner/operator.
7. The owner/operator of a Kennel shall provide acoustical barriers where necessary, as determined by the Inspector. Acoustical barriers are to be set out on the detailed site plan drawing and submitted with the application for Kennel License and may include, but are not limited to, a solid fence, and/or natural buffer of trees, and/or mound of earth.
8.
  - a) After having given thirty (30) days' notice in writing, the Town may, at any time, cancel a kennel license when it is of the Town's opinion that the continued operation of the kennel is not in the best interest of the Town. 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 Town.
  - b) The aforesaid written notice shall state that the owner of the kennel shall have the opportunity to make submissions to Council, either written or in person, as to why the kennel license should not be rescinded. Said submissions to Council must be made and delivered prior to the expiration of the 30-day notice of cancellation.
  - c) The written notice described in Subsection a) above shall be delivered in person or by registered mail to the registered owner of the kennel.

- d) Submissions to Council described in Subsection b) above shall be delivered in person or by registered mail to the Clerk of the Town of Minto.
9. The Clerk of the Town of Minto reserves the right to refuse to issue a kennel license to any person or persons.
  10. No person shall operate or continue to operate a Kennel without a valid Kennel license.
  11. All Kennel Licenses shall be valid for a period of one year, commencing March 31st in the year of issuance, regardless of the date of issuance, and expiring on March 31<sup>st</sup> of the immediate following year.
  12. Kennel Licenses shall be issued by the Clerk of the Town of Minto once he/she is satisfied that the information required in Subsection F. 4. has been submitted and is in compliance with the Town of Minto Zoning By-law 01-86 as amended, is within the specific standards for Kennels as contained in this By-law and has been inspected by a Dog Control Officer.
  13. The kennel owner/operator/manager shall reside on the subject property.
  14. Property owners must have an area of land containing 4.04 hectares (10 acres) or more upon which to operate a Kennel.

#### **G. Kennel Conditions**

1. Every person who owns or operates a Kennel shall have regard to the guidelines as set out in the most current version of "A Code of Practice for Canadian Kennel Operations" of the Canadian Veterinary Medical Association".
2. No person who owns or operates a Kennel shall keep dogs in an unsanitary condition. Conditions shall be considered unsanitary where the keeping of the dogs results in any of the following:
  - a) An accumulation of faecal matter,
  - b) an odour,
  - c) insect infestations,
  - d) rodent attractants which endanger the health of the animal, any person or property.
3. Every person who owns or operates a kennel shall provide the animals under care, or cause them to be provided with the Provision of Needs as set out in Subsection D. 1., and
  - a) Every animal enclosure shall provide the animal with protection from heat, cold and wet and be of sufficient size to allow the animal the ability to turn around freely and lie in a normal position; and,
  - b) Every run or pen area must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

#### **H. Breeding Kennel Conditions (In addition to G. above.)**

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

#### **I. 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 kennel;
  - b) The dates of arrivals and departures of individual dogs from the kennel;
  - c) Breeding and identification records of all whelping bitches, 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 breeding kennels must be kept on site;
  - f) Vaccination records must be provided to the kennel owner of individual dogs maintained in boarding kennels.

#### **J. 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 Dog Control Officer as appointed by Council. The Ontario Society for the Prevention of Cruelty to Animals, such other persons that are trained in the area of disease control and sanitation or a Veterinarian may inspect with and at the request of the Dog Control Officer.
2. Every person who holds a license or the owner/operator of the kennel shall keep the license posted in a conspicuous place on the premises and shall, when so requested by any person authorized by the Town, produce such license for inspection.

#### **K. Dog Waste**

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 Town other than the premises of the owner of the dog.

#### **L. Leashing, Muzzling and Containment Requirements**

1. a) An owner of a dog, when such dog is on the property of the owner or on the property of some other person with such person's consent, shall keep the dog from leaving such property on its own by means of:
  - i) Enclosure,
  - ii) Containment within a fenced area, within an area enclosed by a properly operating electrical, radio or invisible fencing mechanism; or,
  - iii) Physical restraint of the dog by chain or other similar means.
- b) Despite Clause L. 1. a), an owner of a dog, when such dog is on the property of the owner or on the property of some other person with such person's consent and where such lands are zoned agricultural, shall keep the dog from leaving such property on its own by those or any other reasonable means.
2. a) The owner or person in control of a dog shall exercise reasonable precautions to prevent it from biting or attacking a person or domestic animal or behaving in a manner that poses a menace to the safety of persons or domestic animals.
- b) Every owner of a dog after it has bitten a person or domestic animal shall ensure that the dog is muzzled and restrained while said dog is on any property within the Town of Minto including on the premises of the owner of the dog, unless the dog is inside the dog owners dwelling unit or in an enclosed pen of sufficient size and construction to provide humane shelter for the dog while preventing entry of unsupervised children.
- c) In accordance with subsection 105(1) of the Act, the Council of the Corporation of the Town of Minto shall, upon request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the provisions of Clause L. 4.).
3. The Dog Control Officer may either on his/her own initiative or as the result of a complaint received by the Dog Control Officer from a resident of the Town of

Minto, conduct an inquiry into whether a dog should be designated a Potentially Dangerous or Dangerous Dog, as the case may be.

4. Where the Dog Control Officer designates a dog as a Potentially Dangerous Dog or Dangerous Dog, the Dog Control Officer shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice to comply with the following requirements, as determined by the Dog Control Officer:
  - a) Shall keep such dog confined within the owner's dwelling, or in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the entry therein of unsupervised children;
  - b) Shall securely attach a muzzle to such dog at all times when it is not confined in accordance with Clause L. 4. a);
  - c) Shall obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 for any damage or injury caused by such Dangerous Dog and provide to the Dog Control Officer a certificate of such policy and each subsequent renewal thereafter. Such policy shall contain a provision requiring the insurer to immediately notify the Dog Control Officer should the policy expire, be cancelled or be terminated for any reason; and,
  - d) Provide the Dog Control Officer with a certificate indicating that a microchip has been implanted identifying such dog as a Potentially Dangerous Dog or Dangerous Dog as designated.
  - e) Shall display a sign at each entrance to the property and to the building, in which the dog is kept, warning in writing, that there is a Dangerous Dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
5. The notice referred to in Subsections L. 4. Of this By-law shall include:
  - a) A statement that the Dog Control Officer has reason to believe that the dog is a Potentially Dangerous Dog or Dangerous Dog, as the case may be;
  - b) The requirements that the owner must comply with in accordance with this section and when such requirements take effect; and,
  - c) A statement that the owner may request, within three working days of receipt of the Dog Control Officer's notice and is entitled to a hearing by the Council of the Corporation which may affirm, amend or rescind the Dog Control Officer's designation of the dog as Potentially Dangerous or Dangerous, as the case maybe. Council may substitute its own designation and/or its own requirements/conditions on the owner of a Potentially Dangerous or Dangerous Dog pursuant to Subsection L. 4.
6. Where the owner of a dog receives a notice from the Dog Control Officer designating such dog as a Potentially Dangerous or Dangerous Dog and so requests in writing to the Clerk of the Town within three working days of receipt of such notice, Council shall hold a hearing pursuant to the provisions of the Statutory Powers Procedures Act within 15 working days of the Clerk's receipt of the request for a hearing and may:
  - a) Affirm, amend or rescind the Dog Control Officer's designation of the dog as a Potentially Dangerous Dog or as a Dangerous Dog, as the case may be;
  - b) Substitute its own designation of the dog as a Potentially Dangerous or Dangerous Dog, as the case may be; and/or,
  - c) Substitute its own requirements/conditions of the owner of a Potentially Dangerous Dog pursuant to Subsection L. 4.
7. The requirements of Subsection L. 4. which may be imposed on a dog owner by the Dog Control Officer pursuant to such Subsection shall not be required, until either the time for appeal under Subsection L. 4. has elapsed without the dog owner requesting an appeal pursuant to that Subsection or Council has ordered such requirements, whichever occurs earlier.
8. Any notices served by the Dog Control Officer or requests for hearings made by an owner pursuant to this By-law shall be provided by hand delivery or



registered mail and in the event of service by registered mail, shall be deemed served on the fifth working day after the date of mailing.

9. An owner of a dog which has been designated a Potentially Dangerous or Dangerous Dog pursuant to this By-law, shall advise the Dog Control Officer immediately if he/she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the Dog Control Officer with particulars of same.
10. Notwithstanding Section E., where a Potentially Dangerous or Dangerous Dog has been impounded for any reason, the Dog Control Officer shall not restore the said dog to its owner or to any other person unless the Dog Control Officer is satisfied that the person to whom the dog is to be restored, is aware of, and is in compliance with the provisions of Subsection L. 4., as the case may be. All fees required by Schedule "A" are to be paid to the Town prior to restoration of an impounded dog to its owner of the Potentially Dangerous or Dangerous Dog for any length of time it may be held in the pound pursuant to this Section.
11. Where the owner of a Potentially Dangerous or Dangerous Dog which has been impounded is unable to demonstrate compliance with the provisions of Subsection L. 4. to the reasonable satisfaction of the Dog Control Officer or refuses to do so, the Dog Control Officer, after a reasonable period of time, may sell or otherwise dispose of the dog in accordance with this By-law.
12. Whenever this By-law requires a dog to be leashed, the leash shall not exceed 1.98 metres (6'-6") in length.
13. No owner shall permit the dog, whether leashed or unleashed, to trespass on private property.
14. Whenever a dog is restrained by a leash on the owner's property, the leash shall be of sufficient length to permit free movement of the dog.

#### **M. Additional Matters Including Number of Dogs Limitation**

1. The Town, its agents, Dog Control Officer and the Pound keeper shall not be liable for damages or compensation for any dogs 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 which allow a maximum of twenty-five (25) dogs, no owner or occupier of a premises in the Town of Minto shall possess or harbour 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; or,
  - d) Dogs under the age of twelve (12) weeks in age.
3. No owner of a dog shall permit the dog to make any noise likely to disturb the inhabitants of the Town of Minto for a period that exceeds 30 minutes.

#### **N. Fees**

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

#### **O. Penalty Provisions**

1. No person shall hinder or obstruct an inspector or Dog Control Officer in the enforcement of this by-law.

2. Any person who contravenes any provision of the By-law is guilty of an offence and upon conviction shall be liable to a penalty and costs as provided for in the Provincial Offences Act, R.S.O., 1990 c. P.33, as amended.

#### **P. Grant of Exemption by Council**

1. Application to Municipality

Notwithstanding anything contained in this By-law, any person may make application, in writing, to Council to be granted an exemption from the required lot size or the required distance from an adjacent property owner's habitable building or buildings for the keeping of livestock of this By-law. Council may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted may contain such terms and conditions as in the opinion of Council maintains the general intent of the by-law.

2. Details of Application for Exemption

The application mentioned in subsection (1) shall be made in writing to the Clerk's Office, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, and shall contain:

- a) the name, address and telephone number of the applicant;
- b) a statement of the particular provision or provisions of this By-law from which an exemption is sought;
- c) the reasons why the exemption should be granted;
- d) a statement of the steps, if any, planned or presently being taken to meet the intent of the By-law; and
- e) submit any fees required in schedule "A".

3. Decision

- a) In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the applications the opportunity to be heard and may consider such other matters as it deems appropriate.
- b) A letter shall be sent to all residents that reside within 61 metres (200 feet) of the property lines.
  - i. Once an exemption is granted, the applicant will be required to obtain zoning relief, a kennel license and pay all applicable fees.

4. Breach

A breach of any of the terms or conditions of an exemption granted by the Municipality that is caused or permitted by the applicant shall render the exemption null and void.


#### **Q. Severability**

1. 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.

#### **R. Repeal of By-laws**

1. This By-law hereby repeals By-law 2016-31.

Read a first, second, third time and finally passed in open Council this 16<sup>th</sup> day of April 2019.

  
\_\_\_\_\_  
Deputy Mayor – Dave Turton

  
\_\_\_\_\_  
Acting Clerk – Gordon Duff

**Town of Minto**  
**Dog Licensing By-law 2019-39**  
**Schedule "A"**

For a license issued with respect to a dog, the license fee shall be as follows;	Before April 1	After March 31
C. 1. a) Per dog for the first, second and third dog	\$20.00	\$35.00
C. 8. Fee for replacement of lost dog tag	\$5.00	\$5.00
Inspection fee by Provincial Offences Officer	\$75.00	\$75.00
E. 4. Per dog for dogs picked up without a current tag	\$50.00	\$50.00
E. 5. Fee for a dog impounded (payable to the Town)	\$150.00 + \$25.00/Day	\$150.00 + \$25.00/Day
P. 2. e) Application for Exemption for kennel license	\$100.00	\$100.00

Note: The lower fee as set in row 1.a shall apply if such fees are paid within fifteen (15) days of the dog becoming twelve (12) weeks old or upon moving into the municipality.

**Kennel Fees**

	Before April 1	After March 31
4 to 15 dogs	\$150.00	\$200.00
16 to 25 Dogs	\$250.00	\$300.00
26 to 50 Dogs	\$500.00	\$600.00
Over 51 Dogs	\$1000.00	\$1150.00

## Schedule "B"

(denied)



Town of Minto Kennel Operators

Inspection Check List

Pass	Fail	Inspection Item
<input type="checkbox"/>	<input type="checkbox"/>	-sanitary condition of kennel
<input type="checkbox"/>	<input type="checkbox"/>	-fecal matter on dogs
<input type="checkbox"/>	<input type="checkbox"/>	-odour
<input type="checkbox"/>	<input type="checkbox"/>	-insect infestation
<input type="checkbox"/>	<input type="checkbox"/>	-rodents present
<input type="checkbox"/>	<input type="checkbox"/>	-clean fresh water and food, sufficient quantity
<input type="checkbox"/>	<input type="checkbox"/>	-food and water receptacles clean and disinfected
<input type="checkbox"/>	<input type="checkbox"/>	-food and water located to avoid contamination by excreta
<input type="checkbox"/>	<input type="checkbox"/>	-opportunity for exercise
<input type="checkbox"/>	<input type="checkbox"/>	-veterinary care available for animals in need
<input type="checkbox"/>	<input type="checkbox"/>	-protection from heat, cold and wet
<input type="checkbox"/>	<input type="checkbox"/>	-pens suitable size
<input type="checkbox"/>	<input type="checkbox"/>	-pens cleaned regularly and sanitized
<input type="checkbox"/>	<input type="checkbox"/>	-excreta removed daily
<input type="checkbox"/>	<input type="checkbox"/>	-proper waste and excreta disposal
<input type="checkbox"/>	<input type="checkbox"/>	-whelping bitch in separate area from balance of dogs
<input type="checkbox"/>	<input type="checkbox"/>	-whelping box with four sides, floor of impermeable material
<input type="checkbox"/>	<input type="checkbox"/>	-adequate supplemental heat at all times
<input type="checkbox"/>	<input type="checkbox"/>	-proper space for puppies to socialize
<i>Records (minimum information)</i>		
<input type="checkbox"/>	<input type="checkbox"/>	-names and addresses for owners of all dogs cared for
<input type="checkbox"/>	<input type="checkbox"/>	-date of arrival and departure of dogs from kennel
<input type="checkbox"/>	<input type="checkbox"/>	-breeding and identification records for all whelping bitches, stud dogs and resulting litters
<input type="checkbox"/>	<input type="checkbox"/>	-name and address of purchasers of individual puppies
<input type="checkbox"/>	<input type="checkbox"/>	-vet record for individual dogs maintained in breeding
<input type="checkbox"/>	<input type="checkbox"/>	Rabies vaccination certificates available on site
<input type="checkbox"/>	<input type="checkbox"/>	-current kennel license posted

Office Use:

Date Received: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Property File Number: \_\_\_\_\_

Kennel Number: \_\_\_\_\_

Town of Minto  
Dog Licensing By-law 2019-39  
Schedule “C”

Properties referred to in Section F. 3.

Location	Legal Description	Roll Number
5652 14 <sup>th</sup> Line	Con. C Pt. Lot 70	23-41-000-002-18900-0000
5658 Hwy 9	Con. C Pt. Lot 74	23-41-000-002-21100-0000
9449 Road 1 N	Con. 12 Pt. Lot 5	23-41-000-003-09501-0000
5380 Hwy 9	Con. C Pt. Lot 63	23-41-000-002-09850-0000
6315 Hwy 89	Con. 14 Pt. Lot 17	23-41-000-003-12200-0000
6734 6 <sup>th</sup> Line	Con. 7 Pt. Lots 2&3	23-41-000-004-17400-0000
5609 14 <sup>th</sup> Line	Con. C Pt. Lot 71 RP60R2518 Pts 1&2	23-41-000-002-21360-0000
5790 Well. Rd.4	Con. 1 PT. Lot 27	23-41-000-001-02200-0000
6693 Well. Rd. 109	Con. D Pt. Lot112	23-41-000-004-03000-0000
5478 Well. Rd. 2	Con. 17 Pt. Lot 36	23-41-000-002-14900-0000
9820 Ski Rd.	Con. 17 Pt. Lot 21 RP60R2681 Pt. 1	23-41-000-002-12850-0000
5691 14 <sup>th</sup> Line	Con. 14 Lot 30	23-41-000-002-20000-0000

**Town of Minto**  
**Set Fines Application**  
**Part 1 Provincial Offences Act**

By-law 2019-39, a by-law to Regulate and License the Keeping of Dogs and Dog Kennels in the Town of Minto.

Item	Column 1, Short form wording	Column 2, Provision creating or defining offence	Column 3 Set fines (including costs)
1	Fail to license dog	Section C.1.a)	\$100.00
2	Fail to keep dog tag affixed on dog	Section C.3.a)	\$100.00
3	Fail to provide clean, fresh drinking water and suitable food	Section D.1.a)	\$200.000
4	Fail to provide clean food and water receptacles	Section D.1.b)	\$200.00
5	Fail to provide the opportunity for periodic exercise	Section D.1 c)	\$200.00
6	Fail to provide necessary veterinary medical care	Section D.1.d)	\$300.00
7	Fail to provide an outside enclosure with adequate area	Section D.2.a)	\$200.00
8	Fail to provide a house or shelter	Section D.2.b)	\$200.00
9	Fail to provide an area with sufficient shade	Section D.2.c)	\$200.00
10	Fail to clean and sanitize pens and run areas.	Section D.2.d)	\$200.00
11	Hitch, tie or fasten a dog to a fixed object with a choke collar/chain.	Section D.3.	\$200.00
12	Cause an animal to be hitched, tied or fastened for extended time period.	Section D.4.	\$200.00
13	Cause an animal to be confined in an enclosed space without proper ventilation.	Section D.5.	\$200.00
14	Transport an animal in a vehicle outside the passenger compartment.	Section D.6.	\$100.00
15	Allow or permit dog to run at large	Section E.1.	\$200.00
16	Fail to pay Pound Fee	Section E.5.	\$200.00
17	Fail to obtain a Kennel License.	Section F.3.	\$500.00
18	Operate or continue to operate a kennel without a valid Kennel License.	Section F.10.	\$500.00
19	Fail to provide an enclosure with protection from heat, cold and wet.	Section G.3.a)	\$200.00
20	Fail to regularly clean and sanitize run or pen and remove excreta daily.	Section G.3.b)	\$200.00
21	Fail to maintain the whelping bitch in separate accommodation.	Section H.1.	\$200.00
22	Fail to provide a whelping box of proper construction.	Section H.2.	\$200.00
23	Fail to provide adequate supplemental heat at all times.	Section H.3.	\$200.00
24	Fail to provide sufficient designated space.	Section H.4.	\$200.00
25	Fail to maintain proper records.	Section I.1	\$200.00
26	Fail to remove and dispose of in a sanitary manner any excrement.	Section K.1.	\$200.000
27	Fail to exercise precautions to prevent biting or attacking a person or domestic animal.	Section L.2.a)	\$500.00
28	Fail to muzzle dog.	Section L.2.b)	\$200.00
29	Fail to confine dog.	Section L.4.a)	\$200.00
30	Fail to insure dog.	Section L.4.c)	\$200.00
31	Fail to install signage.	Section L.4.e)	\$200.00
32	More than 3 dogs per dwelling	Section M.2.	\$100.00
33	Permit dog to make noise likely to disturb.	Section M.3.	\$200.00
33	Obstruction.	Section O.1.	\$500.00

Note: The penalty provision of the offences indicated above is section O.2 of by-law No. 2019-39, a certified copy of which has been filed.