

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 2022-2006-PP

**AS AMENDED BY BY-LAW NUMBERS 2421-2012-FI and 3190-2023
(CONSOLIDATED VERSION)**

BEING A BY-LAW TO ESTABLISH PROVISIONS FOR THE LICENSING AND REGULATION OF DOGGIE DAY CARES WITHIN THE TOWNSHIP OF BROCK

WHEREAS section 150 of the *Municipal Act*, S.O. 2001, as amended, authorizes councils of local municipalities to pass by-laws for the licensing, regulating and governing any business carried on within the municipality;

AND WHEREAS section 11 of the *Municipal Act*, S.O. 2001, as amended, permits Council to enact by-laws respecting animals;

AND WHEREAS Council deems it expedient to pass a by-law to license, regulate and govern the operation of doggie day cares in order to provide for the health and safety of the public;

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

Definitions

1. For the purposes of this by-law the term:
 - a) "Doggie Day Care" shall mean a place or facility where more than three (3) dogs are kept or boarded but no dogs, other than up to three (3) dogs that are owned by and licensed to a resident of the property, are kept or boarded between the hours of 8:00 p.m. and 6:00 a.m.

Doggie Day Care Licensing

2.
 - a) Every owner of a doggie day care shall, before the 1st day of March in each year, or within seven (7) days of becoming the owner of such a doggie day care on or after the 1st day of March in any year, licence such doggie day care with the Township.
 - b) Before licensing any such doggie day care, the Township may require the owner thereof to produce evidence satisfactory to it that the doggie day care is being or shall be operated, as the case may be, within acceptable health standards as set out in section 3.
 - c) Every licence issued pursuant to this section shall expire on the 31st day of December in the year in respect of which it was issued.
 - d) The fee payable for a doggie day care shall be in accordance with the "Fees By-law", as amended from time to time, and shall be payable at the time of issuing of the licence.
 - e) No doggie day care shall be located:
 - i) within any residential zone in the Township of Brock; or
 - ii) within 120 metres of any residence, other than the residence of the owner of such doggie day care.
3. Every owner or operator of a doggie day care shall reside in a dwelling house on the same lot upon which the doggie day care is to be located and shall:

- (a) provide the Township with the name of the owner and operation of the doggie day care and the owner and all occupants of the lot on which it is located;
- (b) at all times, keep records of each incoming and outgoing dog inclusive of the name and address of the owner of all dogs cared for or kept at the facility and the dates and arrivals to and departures from the facility;
- (c) open the doggie day care for inspection by a Canine Control Officer at all reasonable times;
- (d) before any dog is taken into any doggie day care, inspect such dog for contagious or infectious disease and keep health records for each dog. If any doggie day care has an outbreak of any such disease, the doggie day care may be closed at any time by the Canine Control Officer or any other person appointed by the Township for such purpose;
- (e) ensure that at least one person is present at all times when dogs are boarded at the doggie day care facility;
- (f) ensure that dogs less than four (4) months of age are separated from dogs older than four (4) months that are not owned by the same person;
- (g) ensure that at least two (2) staff persons are present at all times when four (4) or more dogs are interacting without physical barriers or restraints; and,
- (h) at all times maintain the doggie day care in a sanitary, well-ventilated and lighted condition, at a healthful temperature and free from offensive odours and shall:
 - i) thoroughly clean the facility's floor at least once per day or more often as may be necessary;
 - ii) maintain the facility and associated surrounding area in a sanitary, adequately ventilated and clean condition free from vermin and offensive odours;
 - iii) provide stainless steel food and water bowls which shall be cleaned and disinfected daily;
 - iv) provide non-spill, functionally designed water bowls which shall be designed to be easily disinfected;
 - v) feed and water or adequately nourish each dog on a daily basis;
 - vi) provide clean bedding which shall be sanitary and changed regularly;
 - vii) provide a fenced exercise area to enable each dog to exercise freely so as to maintain health and well-being;
 - viii) thoroughly clean all yards, runways, and exercise areas on a daily basis;
 - ix) remove all waste material so as to prevent offensive odours;
 - x) ensure that each cage or pen used for the housing of dogs to permit each dog to comfortably extend its legs to its full extent, stand, sit, turn around and lie down in an extended position; and,
 - xi) ensure that the facility has a floor and walls made of concrete or other impermeable material and shall not be made from painted wood.

4. No person shall own or operate a doggie day care unless:

- (a) a licence has been issued to that person, pursuant to section 5 hereof, for the operation of the doggie day care, and the licence has been kept current and valid;
- (b) the doggie day care is owned and operated in accordance with the provisions of this by-law, including, but not limited to, the conditions set out in section 3 hereof; and,
- (c) all of the provisions of section 5 have been complied with.

5. Any person may make application to the Township for issuance of a doggie day care licence and no application shall be considered complete nor accepted by the licence issuer, which does not contain the following:
 - (a) a completed copy of the application in the form set out in Schedule "A" hereto;
6. No licence for any doggie day care in the Township shall be issued unless:
 - (a) All of the provisions of this by-law have been complied with;
 - (b) A completed application in the form set out in Schedule "A" attached hereto has been submitted to the licence issuer;
 - (c) An annual fee as provided in section 2 d) has been paid to the Township.
7. (a) The Council may:
 - i) issue or refuse to issue a doggie day care licence to an applicant; or;
 - ii) temporarily suspend or revoke a doggie day care licence at any time during its duration.
 - (b) The exercise of a power under subsection (a) is at the discretion of Council and, without limiting such discretion, the Council may exercise its powers under the subsection (a) i) or (a) ii) if the conduct of the applicant or doggie day care licensee affords reasonable grounds for belief that the applicant or licensee will not comply with the provisions of the by-law or with honesty or integrity.
 - (c) The Council may at any time, on its own initiative, review any action taken by it under subsection (a) and may confirm or vary such action.
 - (d) The Council shall not exercise its powers under subsection (a) except after giving the applicant or doggie day care licensee an opportunity to be heard.
 - (e) The Council shall, at the request of the applicant or doggie day care licensee or former doggie day care licensee, give reasons in writing for any action it takes under this section.
 - (f) If a doggie day care licence is revoked under this section, the former doggie day care licensee is entitled to a refund of a part of the licence fee proportionate to the unexpired part of the term for which it was granted.
 - (g) The Council may notify any other licensing authority or other person as it considers appropriate of any action it takes under this section.
 - (h) Where an owner has been served with a written notice pursuant to this section, they may appeal the decision in writing within fourteen (14) days.
 - (i) The fees for an appeal are payable at the time of filing a notice of an appeal of Order to Restrain/Muzzle and shall be in accordance with the "Fees By-law" as amended from time to time.
8. Schedule "A" attached hereto forms part of this by-law.
9. If a court of competent jurisdiction should declare any section or part of a section of the by-law to be invalid, such section or part of the section shall not be construed as having persuaded or having influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
10. Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction, be liable to a penalty as prescribed by the *Provincial Offences Act*, R.S.O. 1990, chapter P.33.

11. When any provision of the by-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty imposed by the by-law, the court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted pursuant to the provisions of section 442 of the *Municipal Act*, S.O. 2001, as amended.
12. This by-law shall come into force and effect 16th day of October, A.D., 2006.

BY-LAW 2022-2006-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF OCTOBER, 2006.

Mayor
Keith Shier

Clerk-Administrator
George Graham

BY-LAW 2421-2012-FI READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11th DAY OF JUNE, 2012.

Mayor
Walter Schummer

Clerk/Deputy CAO
Fernando Lamanna

BY-LAW 3190-2023 READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23RD DAY OF MAY, 2023.

Mayor
Walter Schummer

Clerk/Deputy CAO
Fernando Lamanna

Schedule "A"

To By-law Number 2022-2006-PP



The Corporation of the Township of Brock
In the Regional Municipality of Durham

1 Cameron St. E., P.O. Box 10, Cannington, Ontario, L0E 1H0 (705) 432-2355

Doggie Day Care Licence Application

Application to the Corporation of the Township of Brock for the operation of a Doggie Day Care in accordance with By-law Number 2022-2006-PP, as amended.

Section 1(a) "Doggie Day Care" shall mean a place or facility where more than three (3) dogs are kept or boarded but no dogs other than up to three (3) dogs that are owned by and licensed to a resident of the property are kept or boarded between the hours of 8:00 p.m. and 6:00 a.m.

Name of Applicant: _____

Doggie Day Care Name: _____

Is this a new application: Yes _____ No _____ Years of Operation: _

Address: _____

Concession: _____ Lot: _____

Municipal Street Address: _____

Telephone (Residence): _____ (Business): _____

Signature: _____ Date: _____

Office Use Only:

Approved: _____ Denied: _____

Date: _____
