THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW 36/2014

Being a By-law To Provide for Licensing of Kennels
Within the Municipality of Port Hope and to Repeal By-law 38/2007

WHEREAS pursuant to the Municipal Act 2001, S.O. c.25, Section 11, as amended, municipalities have the authority to pass By-laws with respect to animals;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope wishes to ensure continuity between applicable By-law provisions for the licensing and registration of dogs and for the regulation of dogs and prohibiting the running at large of animals within the Municipality of Port Hope and By-law provisions to provide for licensing of kennels within the Municipality of Port Hope;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it expedient to replace the By-law for the licensing of kennels within the Municipality of Port Hope to ensure any reference to the By-law for the licensing and registration of dogs and for the regulation of dogs and prohibiting the running at large of animals within the Municipality of Port Hope be reflective of the current version in force and effect;

NOW THEREFORE BE IT RESOLVED that the Council of The Corporation of Port Hope hereby enacts as follows:

1. DEFINITIONS:

1.1 That for the purposes of this By-law the following definitions shall apply:

a) Animal Control Officer shall mean any person employed by the Joint Animal Control Municipal Services Board whose duties include the enforcement of By-laws.

b) By-Law Enforcement Officer shall mean any person appointed by the municipality to enforce By-laws, or any delegate or agent thereof.

c) Dog shall mean a male or female dog that is twelve (12) weeks or older.

d) Municipality shall mean the Municipality of Port Hope.

e) Peace Officer shall include a Police Officer for the municipality or anyone working under his or her direct authority,

2. LICENCING PROVISIONS:

2.1 Notwithstanding provisions outlined in the current By-law for Licensing and Registration of Dogs and for the Regulation of Dogs and Prohibiting the running at large of animals within the Municipality of Port Hope including any amendments thereto, the owner of a kennel of purebred dogs registered or eligible for registration in the register of the Canadian Kennel Club Incorporated or of a class designated as purebred under the Ontario Regulations, shall pay an annual license fee as set out in the Municipal Fees and Charges By-law, as amended from time to time, to the Corporation of the Municipality of Port Hope provided that such kennel has been established in accordance with the provisions of the Corporation of the Municipality of Port Hope Zoning By-law.

All kennels must be operated at all times in accordance with all applicable laws, including regulations of the Kawartha Pine Ridge District Health Unit, this By-law, the By-law to Control Noise, the By-law for Licensing and Registration of Dogs and for the Regulation of Dogs and Prohibiting the running at large of animals within the Municipality of Port Hope and all other relevant By-laws of the Municipality including, without limiting the generality of the foregoing, and applicable Zoning By-law and licensing By-laws for the Municipality of Port Hope.

2.3 All kennels shall operate in accordance with "A Code of Practice for Canadian Kennel Operations" as produced by The Canadian Veterinary Medical Association.

2.4 Except for any Kennel licensed by the Municipality in 2001 which continues uninterrupted to operate as a kennel and continues uninterrupted to be duly licensed, all kennels must have an adult person whose primary place of residence is on the same parcel of land or within 100 metres thereof, to ensure that the dogs are safe, all the dogs needs are well attended and to ensure that neither the kennel nor the dogs constitute or create an actionable situation due to nuisance (such as noise) or other torts.

3. PENALTIES:

3.1 Every person who contravenes any provisions of any section of this By-law is guilty of an offence and upon conviction is liable to a fine and such penalties as provided in the Provincial Offences Act or the Dog Owners Liabilities Act, including set fines as set out in the current By-law for the licensing and registration of dogs and for the regulation of dogs and prohibiting the running at large of animals within the Municipality of Port Hope.

4. SEVERABILITY:

4.1 If any section, clause or provision of this By-law is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council that the remaining sections, clauses or provisions of the By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions of this By-law shall have been declared to be invalid.

5. That this By-law comes in force and takes effect upon the final passing thereof.

6. That By-law 38/2007 is hereby repealed.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 20th day of May, 2014.

Linda Thompson, Mayor

S.C. Bernardi, Municipal Clerk