

# **THE CORPORATION OF THE TOWN OF AJAX**

## **BY-LAW 138-2004**

Being a by-law to licence and regulate pet shops and kennels in the Town of Ajax.

**WHEREAS** the Municipal Act, 2001, S.O 2001, authorizes a municipal council to pass by-laws for licensing, regulating, governing, classifying and inspecting any business wholly or partly carried on within the municipality, and includes the authority for Council to enact legislation with regard to persons who provide services in connection with any such businesses;

**AND WHEREAS** regulations are required to ensure that the health and safety of animals kept or sold in pet shops or kennels is maintained and that consumers are protected from animals being sold that are diseased;

**AND WHEREAS** a public information meeting was held in Council Chambers of the Town of Ajax to discuss the proposed By-law on November 1, 2004.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AJAX HEREBY ENACTS AS FOLLOWS:

### **1. SHORT TITLE**

1.1 This By-law may be cited as the Pet Shop By-law.

### **2. DEFINITIONS**

2.1 In this By-law,

- (a) "animal" includes all mammals, fish, reptiles or birds;
- (b) "Committee" means the Committee of Council to which Council has delegated the responsibility of handling licensing matters;
- (c) "Council" means the Council of the Corporation of the Town of Ajax;
- (d) "kennel" means every shop, place or premise where dogs or cats are regularly boarded, or where dogs or cats are sold, offered for sale, or let for hire for breeding purposes or which are raised on the premises or kept at other facilities under contractual arrangements and includes those establishments known as breeders;
- (e) "License" means an authorization under this By-law to carry on the trade, calling, business or occupation specified therein;
- (f) "Licensing Officer" means a person appointed by the Town to issue licenses, and includes a person appointed by Council for the express purpose of issuing licenses under this by-law;
- (g) "Owner" means a person who, alone or with others, owns or controls the trade, calling, business or occupation carried on at a Pet Shop and "Owner" includes a person who is the tenant or licensee in respect of premises which are utilized as a Pet Shop;
- (h) "Person" means a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;"person" includes a natural individual, a corporation, association or partnership;

- (i) “Pet Shop” means every shop, place or premise, where, in the calendar year, more than three (3) animals for use as pets are sold or kept for sale; and
- (j) “Town” means The Corporation of the Town of Ajax in the Regional Municipality of Durham.

### 3. GENERAL

- 3.1 No Person shall be an Owner of a pet shop or kennel within the Town’s limit without making application for, obtaining and maintaining, pursuant to the terms of this By-law, a pet shop or kennel License.
- 3.2 No licence shall be issued for a pet shop or kennel on premises where the Town’s Zoning By-laws do not permit the use of those premises for such purposes.
- 3.3 Each pet shop/kennel licence, when issued, shall be posted in a conspicuous place on the premises so licenced.
- 3.4 No licence shall be required for the following operations;
  - a) an animal shelter operated by or on behalf of a public authority;
  - b) an animal shelter operated by a recognized animal rescue organization or other organization dedicated to the rights of animals;
  - c) a veterinary hospital or clinic;
  - d) a publicly funded educational institute;
  - e) any facility in which animals are placed for care pursuant to the *Pounds Act*.
- 3.5 No owner or operator of a pet shop shall keep or sell any animal prohibited by any by-law of the Town.
- 3.6 Every owner of a pet shop shall comply with and ensure compliance with the following requirements in the operation of the pet shop:
  - (a) the pet shop shall be maintained at all times in a sanitary, well-ventilated, clean condition, and free from offensive odours;
  - (b) every animal shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type of species of animal housed therein;
  - (c) all cages, tanks, containers or other enclosures in which animals are housed on the premises shall be located in such a way as to provide maximum comfort to satisfy the known and established needs for the particular species so housed and shall be provided with safeguards to prevent extreme environmental changes and to prevent undue direct physical contact with such animals by the general public;
  - (d) where the quarters used for the housing of any animal form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening hooked to a sanitary system, and such floor shall be thoroughly cleaned and washed with water at least once each day, or more often than once if necessary to keep the said floor clean;

- (e) every cage or other container used for the keeping or housing of any animal shall:
  - i) be of adequate size to permit any such animal or bird to stand normally to its full height, to turn around, and to lie down in a fully extended position;
  - ii) in the case of all other cages or containers, have a floor of either solid or wire mesh construction where the wire mesh is covered with a thick plastic cover for ease of cleaning and is comfortable for the animals, provided that:
    - A) all spaces in wire mesh shall be smaller than the pads of the foot of any animal confined therein;
    - B) any such wire mesh shall be of a thickness and design adequate to prevent injury to any such animal; and
    - C) such floor shall be of sufficient strength to support the weight of any such animal.
  - iii) be equipped with receptacles of stainless steel construction for food and for water, so mounted or situated that they cannot be easily overturned or contaminated.
- (f) water shall be provided daily to every animal in sufficient quantity to maintain at all times a potable supply available to such bird or animal;
- (g) animals shall be fed periodically each day in accordance with the particular food requirements of each type or species of animal kept in the said pet shop;
- (h) light in the premises shall be appropriate for the species kept there;
- (i) each cage containing birds shall be of sufficient size and dimension to enable all birds to have sufficient perch space to permit full extension of their wings in every direction and perching material of different sizes and textures to prevent foot damage.

3.7 Every owner of the pet shop shall ensure that all persons responsible for the care, feeding or cleaning of animals are adequately instructed and supervised in the handling and care of all such animals.

3.8 No owner of a pet shop shall:

- (a) keep the stock of animals in crowded quarters or cages;
- (b) sell any diseased animal;
  - i) any one of the following inflections shall render an animal unfit for sale or release:
    - A) incubating or suffering from any infectious disease;
    - B) nutritional deficiencies, including rickets or emaciation;
    - C) internal or external parasites;

- D) fractures or congenital abnormalities affecting the general health of the animal.
  - ii) display any animal in a shop or display window that causes uncomfortable living conditions.
- 3.9 Every owner of a pet shop shall ensure that any animal indicating signs of sickness or disease is examined and appropriately treated within twenty-four (24) hours of the onset of illness, by a veterinarian, and that such animal is kept in a quarantine area, separate from all other animals until such illness has been cured. Where a veterinarian has identified that an animal is carrying an infectious disease as set out in Section 3.8(b)(i)(A), the owner shall notify the purchasers of any previous health concerns and/or medical history as it applies to their purchased animal.
- 3.10 No owner of a pet shop shall sell, permit to be sold, offer for sale or give away,
  - (a) any dog under the age of eight (8) weeks.
  - (b) any cat under the age of six (6) weeks.
  - (c) with respect to species other than dogs or cats, in accordance with the requirements of each species.
- 3.11 Incompatible animals of different species shall not be confined or displayed in the same cage.
- 3.12 Whenever an owner of a pet shop sells or otherwise disposes of a dog or cat, they shall give to the purchaser a receipt showing the name and address of the vendor and the purchaser, the date of the sale, the sale price, and the breed or cross-breed, sex, age and description including colour and placing of markings, if any, of the dog or cat.
- 3.13 Every owner shall;
  - (a) keep a register in which shall be entered a record of each animal, excluding fish, purchased or otherwise obtained. Each entry shall be made at the time each animal comes into such owner's possession, and shall include, in addition to the date of purchase, a full description of the animal, any treatment by a veterinarian as set out in Section 3.9 of this By-law, together with the name, address and description of the person from whom it was purchased or otherwise obtained.
  - (b) ensure that the aforesaid register is not mutilated or destroyed and shall keep it open to inspection by a Licencing Officer at all times during business hours and shall make it available to be removed at any time for inspection or for use in the Courts, if necessary. The owner shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from the premises for this reason.
  - (c) provide a copy of such register to the Town quarterly and shall retain the register in respect of each such transaction for the period of twelve (12) months thereafter.
  - (d) comply with the Fire Protection and Prevention Act, S.O 1997, as amended from time to time, and regulations thereto and consent to annual inspections by the Ajax Fire and Emergency Services.
  - (e) ensure that whenever they are absent from the pet shop or from the part of the premises used for the keep or housing of animals, there is an attendant in charge of and responsible for the care and safe keeping of their pet stock.
- 3.14 No owner of a pet shop shall sell or permit the sale of any chick, duckling, live poultry, or other livestock.

## 4. KENNELS

4.1 No kennel shall be constructed or used except with the following provisions:

- (a) No kennel or part thereof shall be used for human habitation or human sleeping purposes nor shall any kennel or part thereof be structurally connected with a dwelling;
- (b) The construction of any kennel shall conform to the requirements of the Ontario Building Code;
- (c) No kennel shall be used unless the following standards are met:

i) **DOGS**

- A) Dogs shall be housed in individual enclosures except in the case of puppies less than 6 months of age with or without the bitch unless the pet owner expresses a specific wish for their pets to be housed together.
- B) Each enclosure shall be large enough to permit any dog enclosed therein to move freely and in particular shall be maintained at a minimum of 15 degrees Celsius.
- C) Floors shall be of dense concrete or similar light material and shall be adequately sloped to drains.
- D) Walls shall be non-porous, watertight and easily cleaned.
- E) Where floors are on grade, suitable bedding shall be provided in the form of a raised wood, fibreglass or similar platform, large enough for the dog to lie on.
- F) Outside exercise facilities shall be provided which shall be fenced in such a manner as to keep the dogs securely enclosed. Each dog shall be placed in such facilities at least twice in every 24-hour period for not less than 30 minutes each period. The outdoor exercise facility shall be disinfected between use by each animal. No dog shall be placed in such facility in inclement weather.

ii) **CATS**

- A) Cats shall be housed in individual enclosures except in the case of kittens less than 3 months of age with or without the mother cat unless the pet owner expresses a specific wish for their pets to be housed together.
- B) Each enclosure for an adult cat shall not be less than 0.67 metres x 0.67 metres x 0.67 metres and in the case of a cat with a litter, not less than 0.75 metres x 0.75 metres x 0.67 metres high.
- C) Inside temperature shall be maintained at 15 degrees Celsius.
- D) Cages or enclosures shall be constructed of a non-porous watertight material with a smooth finish that can be easily cleaned.

- 4.2 No kennel shall contain greater numbers of cats or dogs or both than may, in the opinion of the Municipal Law Enforcement Officer, be housed, fed or otherwise cared for without overcrowding, unnecessary discomfort and risk of injury or disease to the cats and dogs therein.
- 4.3 Every kennel operator shall maintain the kennel in a clean and sanitary condition at all times. In particular the kennel operator shall see to it that all excrement, refuse and other objectionable material is removed from the cages and kennel area at least once in every 24 hour period including weekends and from the premises once per week for garbage collection. The animals shall be removed from the cages and kennel area while it is being cleaned. All refuse waiting for collection shall be screened from public view in secured containers.
- 4.4 Every kennel operator shall ensure that all dogs and cats are provided with an adequate source of clean, fresh drinking water available to them at all times.
- 4.5 Every kennel operator shall ensure that competent and experienced kennel staff or attendants as may be necessary are on duty for a minimum of eight hours in every twenty-four (24) hour period including weekends.
- 4.6 Every kennel operator shall ensure that any dog or cat that appears to be suffering from any disease or other ailment or injury shall, within reason, be given care and attention from a veterinarian.
- 4.7 Every kennel operator shall at all times take all reasonable and humane steps to prevent a nuisance by undue noise caused by the barking dogs housed within their kennels.
- 4.8 Every Kennel operator shall record the following:
- (a) The names and addresses of the owners of all dogs or cats cared for at the kennels.
  - (b) The dates of arrival at and departure of all dogs and cats.
- 4.9 The following provisions shall apply to every kennel:
- (a) Where a kennel or part thereof is structurally connected with a dwelling the kennel operator shall comply with the following provisions.
    - I) A separate entrance shall be provided for the premises occupied by the kennel.
    - II) A partition wall shall completely separate the dwelling from the kennel in order to eliminate any direct access from the dwelling to the kennel.
    - III) Such partition wall must be constructed in order to eliminate odour, dust and other objectionable materials travelling from the kennel into the dwelling.
  - (b) Where a kennel or part thereof is being used for human habitation of human sleeping purposes, the kennel operator shall comply with the following provisions:
    - i) A separate entrance shall be provided for the premises being used for human habitation or human sleeping purposes.
    - ii) Partition walls must be constructed in order to completely isolate the kennel from the areas being used for human habitation or human sleeping purposes.

- iii) Such partition walls must be constructed in order to eliminate odour, dust and other objectionable materials travelling from the kennel into the areas being used for human habitation or human sleeping purposes.

## **5. NATURE OF LICENSE**

- 5.1 No Person shall enjoy a vested right in the continuance of a pet shop or kennel License and the value of a License shall be the property of the Town and shall remain so irrespective of the issue, renewal or revocation thereof.
- 5.2 The Licenses required by this By-law shall, unless they are expressed to be for a shorter or longer time, be for the period up to and including the 31st day of December in the year of issuance, unless they are sooner forfeited or revoked.
- 5.3 No License shall be transferred or assigned and if an Owner sells, leases or otherwise disposes of his/her interest in the trade, calling, business or occupation carried on at a Pet Shop, their License in respect of such Pet Shop or activity shall, notwithstanding any other provision of this By-law, be revoked.
- 5.4 Every pet shop or kennel License shall have endorsed thereon the location of the pet shop or kennel and such endorsement shall be for one location only and such License shall be valid only for the location endorsed thereon.
- 5.5 A duplicate License may be issued by the Licensing Officer to replace any License previously issued which has been lost, stolen or destroyed, upon written application by the licensee and payment of the fee as stated in Schedule "A" of this by-law.

## **6. APPLICATION, RENEWAL AND REVOCATION OF LICENSE**

- 6.1 Every applicant shall appear in person before a Licensing officer and shall complete such License application forms as may be provided from time to time by the Licensing officer in accordance with the requirements of this By-law and shall provide all information requested thereon, including valid photo identification of the applicant.
- 6.2 At the time of submission of an application, every applicant shall pay to the Town the fee set forth in Schedule "A" provided such fee shall not be reduced in the event that the period for which the License is granted is less than one year. If the Licensee applies to have their License renewed prior to December 31<sup>st</sup> in the calendar year it was issued, the License fee shall be reduced in accordance with the fee set forth in Schedule "A".
- 6.3 Receipt of the application and/or the License fee by the Town shall not represent approval of the application for the issuance of a License nor shall it obligate the Town to issue such License.
- 6.4 Without limiting the generality of any other provision in this By-law, Persons associated in a partnership applying for a License under this By-law shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state:
  - (a) the full name of every partner and the address of his/her ordinary residence;
  - (b) the name or names under which they carry on or intend to carry on business;
  - (c) that the Persons therein named are the only members of the partnership;
  - (d) the mailing address for the partnership; and

- (e) the date the statutory declaration was entered into by each member;

The statutory declaration shall be dated within 30 days of the date of the application.

6.5 Without limiting the generality of any other provision in this By-law, every corporation applying for a License shall file with the Licensing officer, at the time of making its application, a copy of its articles of incorporation or other incorporating documents and shall file a statutory declaration, in writing signed by an officer of the corporation, which declaration shall state:

- (a) the full name of every shareholder and the address of his/her ordinary residence;
- (b) the name or names under which it carries on or intends to carry on business;
- (c) that the Persons therein named are the only shareholders of the corporation; and
- (d) the mailing address for the corporation.

6.6 The Licensing officer shall:

- (a) receive and process all applications for Licenses and renewal of Licenses to be issued under this By-law;
- (b) co-ordinate the enforcement of this By-law;
- (c) generally perform all the administrative functions conferred upon him/her by this By-law;
- (d) make or cause to be made all investigations and inspections which he/she deems necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
- (e) issue Licenses to Persons who meet the requirements of this By-law and revoke Licenses pursuant to the requirements of this By-law;
- (f) where a License has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the Licenses of Persons who meet the requirements of this By-law;

6.7 The Licensing officer shall issue or renew the License only where,

- (a) all the information which the applicant is required to provide under this By-law has been provided, and verified;
- (b) all the documents which the applicant is required to provide under this By-law have been provided;
- (c) the License fee is paid;
- (d) the investigations do not disclose that the issuing of such License may be adverse to the public interest;
- (e) the Licensing officer has no grounds to believe the applicant will not conduct himself/herself in accordance with the law or with honesty and integrity.

6.8 Where the Licensing officer determines that a License should not be issued as a result of any matter in Section 6.7 of this By-law he/she shall notify the applicant.

- 6.9 Where an applicant advises the Licensing officer in writing, and within 14 days of the applicant's notification, that he/she disputes the determination made by the Licensing officer under Section 6.8 of this By-law or submits that the License applied for should be issued despite that determination, the matter shall be referred forthwith by the Licensing officer to the Committee which shall hear representations from the Licensing officer and the applicant.
- 6.10 The Committee may authorize the Licensing officer to issue the License where it determines that the determination in Section 6.8 of this By-law, is not sufficient to justify refusing to issue the License.
- 6.11 Where the Committee determines that a License should not be issued the Licensing officer shall advise the applicant of such determination.
- 6.12 (a) The Licensing officer shall notify a Licensee, by registered mail, at his/her last known address or business address on record his/her License shall be revoked when;
- (i) the Licensing officer has cause to believe, on reasonable grounds, that any of the information which the Licensee, as an applicant or a Licensee, is required to provide, including any verification thereof, is inaccurate; and/or
  - (ii) the Licensee has been convicted of an offence which is a contravention of this by-law;
- (b) The Licensing Officer shall notify the Licensee of his/her grounds for License revocation and that unless the inaccuracy, conviction, revocation, cancellation, or contravention is corrected, overturned, or reinstated within thirty days, the License shall be revoked.
- 6.13 Where a Licensee advises the Licensing officer, in writing and within thirty days that he/she disputes the revocation of the License, the matter shall be referred forthwith, to the Committee, which shall hear representations from the licensee and either confirm the revocation of the License or reinstate the License as it sees fit.
- 6.14 Unless the matter giving rise to the notice issued under section 6.12 of this By-law has been corrected, overturned or reinstated within the time allotted, the Licensing officer shall forthwith revoke the License and notify the licensee by registered mail at his/her last known address or business address on record.
- 6.15 Any License that has not been renewed as of December 31st in the year of its issuance or renewal shall expire on January 1st in the year following its issuance or renewal.

## **7. OFFENCE, PENALTY AND ENFORCEMENT**

- 7.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Municipal Act.
- 7.2 The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this By-law shall be deemed to be a violation of the provisions of this By-law.
- 7.3 Every Person shall comply with the provisions of this By-law applicable to him/her whether or not he/she is licensed under this By-law.
- 7.4 Every Owner shall, during the operating hours of the pet shop or kennel shall make available for inspection by the Licensing officer or Municipal Law Enforcement Officer the original of any document or record or Licence referred to in this By-law.

- 7.5 Every Owner of a Pet Shop shall, at all times during the hours of operation permit the entry by and the inspection of the Pet Shop by the Licensing officer or a Municipal Law Enforcement Officer.
- 7.6 No Person shall obstruct or hinder the entry or the inspection of a Pet Shop by the Licensing Officer or a Municipal Law Enforcement Officer.

## 8. VALIDITY

- 8.1 The provisions of this By-law shall apply to all lands and premises within the Town of Ajax.
- 8.2 Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed herefrom and the remainder of the By-law shall continue in full force and effect.
- 8.3 All schedules referred to in this By-law are deemed to be part of this By-law.
- 8.4 Wherever notice or materials are required to be provided to any Person pursuant to this By-law, such notice shall be deemed effective two (2) days after mailing of the materials by registered mail to the last known address of that Person as indicated upon the License application or upon other material filed with the Town.
- 8.5 No licence shall be required for the following operations;
- a) an animal shelter operated by or on behalf of a public authority;
  - b) an animal shelter operated by a recognized animal rescue organization or other organization dedicated to the rights of animals;
  - c) a veterinary hospital or clinic;
  - d) a publicly funded educational institute;
  - e) any facility in which animals are placed for care pursuant to the *Pounds Act*.

READ a first and second time this eighth day of November, 2004.

READ a third time and passed this eighth day of November, 2004.

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Mayor

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Clerk

**SCHEDULE “A”**

Being a by-law to licence and regulate pet shops and kennels in the Town of Ajax.

<b>License</b>	<b>Cost</b>
<b>Pet Shop / Kennel Licence</b>	<b>\$ 100.00</b>

<b>License Renewal (if renewed prior to expiration on December 31st)</b>	<b>Cost</b>
<b>Pet Shop / Kennel Licence</b>	<b>\$ 75.00</b>
<b>License Renewal (if renewed after December 31st)</b>	
<b>Pet Shop / Kennel Licence</b>	<b>\$ 100.00</b>

<b>Additional Services</b>	<b>Fee</b>
<b>Fire Inspection</b>	<b>\$ 150.00</b>
<b>Replacement License</b>	<b>\$ 20.00</b>