

CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW 38/2007

Being a By-law To Provide for Licencing of Kennels Within the Municipality of Port Hope

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

AND WHEREAS on May 8, 2007 Council of the Corporation of the Municipality of Port Hope passed By-law 37/2007, being a 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;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it expedient to pass a by-law for the licensing of kennels within the Municipality of Port Hope;

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 bylaw the following definitions shall apply:
 - a) By-Law Enforcement Officer shall mean any person appointed by the municipality to enforce by-laws, or any delegate or agent thereof and Animal Control Officer shall have the same meaning.
 - b) Dog shall mean a male or female dog that is twelve (12) weeks or older.
 - c) Municipality shall mean the Municipality of Port Hope.
 - d) 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 the provisions of By-law 37/2007 passed by the Corporation of the Municipality of Port Hope on May 8, 2007, 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 licence fee set out in the Municipal Fees and Charges Schedule, 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, and all other relevant By-laws of the Municipality (and its predecessors)

including, without limiting the generality of the foregoing, Zoning By-law provisions for the former Township of Hope, former Town of Port Hope, and applicable Zoning 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 licenced by the Municipality in 2001 which continues uninterrupted to operate as a kennel and continues uninterrupted to be duly licenced, 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 tended 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.

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.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 8th day of May, 2007.

Linda Thompson, Mayor

S.C. Dawe, Municipal Clerk