

Report to/Rapport au:

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales**

and Council / et au Conseil

**September 27, 2012
27 septembre 2012**

**Submitted by/Soumis par : Steve Kanellakos, Deputy City Manager/Directeur
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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N°:ACS2012-COS-EPS-0029

SUBJECT: UPDATE – KENNEL LICENSING REGULATIONS

**OBJET : MISE À JOUR – RÈGLEMENTS CONCERNANT LES PERMIS POUR
CHENILS**

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend that Council approve amendments to:

1. the Licensing By-law (By-law No. 2002-189), as detailed in Document 1, to establish harmonized regulations for the licensing and regulating of kennels and of in-home breeding establishments; and,
2. the Animal Care and Control By-law (By-law No. 2003-77) to exempt in-home breeding establishments from the limit on the number of dogs or cats that may be kept in a dwelling unit.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver les modifications apportées au :

1. Règlement municipal sur les permis d'entreprise (Règlement municipal no 2002-189), qui sont décrites en détail dans le document 1, qui auront pour effet d'établir un règlement harmonisé pour la délivrance de permis pour chenils et d'établissements d'élevage à domicile; et,

2. Règlement municipal sur le contrôle et le soin des animaux (Règlement municipal no 2003-77) à exonérer d'établissements d'élevage à domicile de la limite sur le nombre de chats et de chiens qui peuvent être gardés dans une unité d'habitation.

BACKGROUND

Section 151 of the *Municipal Act, 2001* grants municipalities the authority to license and regulate various types of businesses, including kennels for dogs and cats. Licensing by-laws are enacted in consideration of the municipal role and mandate with respect to public health and safety, nuisance control and consumer protection.

The former municipalities of Cumberland, Gloucester, Goulbourn, Kanata, Nepean, Ottawa, Osgoode, Rideau and West Carleton all had in place kennel licensing regulations which continue to exist in the current City, although the license fees and expiry dates were harmonized in March of 2007 to \$65 and April 30th respectively. Previous fees had ranged from \$25 to \$150, with only one fee being under \$50. The 2012 fee is \$74. The existing licensing regulations include varying degrees of standards that apply to the operation of a kennel including hygiene and enclosure size. Noteworthy is that a number of the existing by-laws of the former municipalities, particularly the rural ones, issue a kennel license to persons who are, in a private residence, keeping more than the limit on the number of dogs for purebred breeding purposes.

DISCUSSION

Kennels

The proposed regulation Schedule 31 (included in Document 1 attached) represents a harmonization of the existing regulations with respect to the more commercial "boarding" kennels, with the inclusion of best practices from other jurisdictions and the industry. The proposed fee is \$100 and is somewhat lower than other Ontario municipalities' licensing fees to promote compliance. The standard licensing processing fee, currently \$50.00, would apply to this category. The conditions of licensing and general regulations continue to serve the public from the consumer protection and public health and safety standpoint, while still considering the best interest of the animals housed in commercial boarding kennels.

As is standard for all business licenses, a kennel must: comply with the zoning, building and property standards requirements of the City; have appropriate insurance; and provide indemnification. The premises and animals housed therein must also meet the requirements of the Ontario Society for the Prevention of Cruelty to Animals Act. Provisions in the proposed licensing schedule applicable specifically to kennels concentrate on appropriate care of animals being housed; that is:

- records about each animal are to be maintained to ensure their health and their safe return to owner should they become stray;
- kennel staff must be knowledgeable, experienced and trained, and have access to animal care procedures;
- veterinary care for sick or injured animals must be provided, as appropriate

- the kennel must be maintained in a clean and sanitary condition, be well-ventilated and well-lit, and be of a suitable temperature;
- any enclosures that are provided must be clean and of adequate size, with access to food and water; and,
- animals must be confined to the premises.

The above-noted requirements are certainly relevant for animal welfare but also serve to protect public health and safety, and the consumer, as well as prevent nuisance.

The proposed Schedule 31, as part of the conditions of license issuance and renewal, also provides that the Chief License Inspector may impose additional conditions on a license as may be deemed necessary to ensure the health, safety and well-being of the public. This provision allows the City to address issues of concern with respect to specific licensees, while not penalizing those who do not represent any issues of concern.

As with other license categories, there would be an ability to deny and revoke licenses for non-compliance.

In-Home Breeding Establishments

With respect to individuals who are, in a residence, for breeding and/or showing purposes, keeping more than the limit on the number of dogs or cats as prescribed by the Animal Care and Control By-law (a maximum of three (3) dogs or a maximum of five (5) cats) – referred to herein as in-home breeding establishments – a separate licensing schedule is proposed largely given the nature of such operations taking place in residences as opposed to commercial property accessible to the public and to enforcement agencies. The proposed fee of \$75.00 is in line with the current fee and is lower than that for kennels given the lesser inspection requirements. The licensing processing fee would not apply to this category.

The proposed Schedule 32 (included in Document 1 attached) provides for conditions of license issuance and renewal, and general regulations to address consumer protection and public health and safety, while still considering the best interest of the animals being bred in and sold from residences by breeders, and also giving due consideration to the limitations of a licensing scheme where private residences are involved.

Conditions of issuance and renewal include appropriate zoning and compliance with property standards (external). As well, the total number of dogs and/or cats over twenty (20) weeks of age that may be kept for breeding, showing or other purposes may not exceed ten (10). This requirement addresses the potential for disturbances that may be caused by large number of animals in a residential setting as well as the potential for puppy and kitten mill scenarios. Other conditions include:

- compliance with the Ontario Society for the Prevention of Cruelty to Animals Act;
- good standing with a bona fide dog or cat registry;
- compliance with relevant codes of practice or codes of ethics; and,
- identification of the dogs or cats with a municipal tag or a microchip or a legible tattoo. These options give due consideration to the fact that many of the dogs and cats are also used in showing which may be negatively impacted by the use of collars and tags.

To protect public health and safety, and the consumer, and to prevent nuisance while giving due consideration to animal welfare, the proposed schedule for the licensing of in-home breeding establishments also:

- provides for limitations on breeding, selling and transferring dogs and cats;
- requires veterinary care for sick or injured animals, as appropriate;
- requires clean and sanitary conditions, good ventilation and lighting, and suitable temperature for areas where animals are housed;
- requires that any enclosures that are provided must be clean and of adequate size, with access to food and water; and,
- animals must be confined to the premises.

The proposed Schedule 32 also provides that the Chief License Inspector may impose additional conditions on a license as may be deemed necessary to ensure the health, safety and well-being of the public.

As with other license categories, there would be an ability to deny and revoke licenses for non-compliance.

The effective date of April 1, 2013 is proposed to provide sufficient implementation time, which includes obtaining approval from the Province for set fines.

RURAL IMPLICATIONS

There are no specific rural implications associated with the recommendations.

CONSULTATION

Approximately 110 existing kennel licensees, most of which are in the in-home breeding establishment category, as well as other organizations such as the Ottawa Humane Society and the Ottawa Kennel Club, were invited to attend meetings to review and discuss the proposed regulations. The general public was invited to attend one of the meetings through a notice in the local dailies. Approximately sixty (60) individuals and organization representatives attended the meetings. Meetings/discussions with individuals and groups representing both the boarding kennel operators and the in-home breeders also took place. The report and draft by-laws were circulated to the Rural Affairs Office as well.

Following review of comments both shared at the meetings and provided subsequently, a re-draft of the proposed regulations was circulated to those who expressed an interest or who attended the consultations. Approximately forty (40) rural community associations were also advised of the impending consideration of the proposals. Eleven (11) written comments related to the proposed boarding kennel regulations and seven (7) related to in-home breeding establishments were received. Comments were incorporated into the draft regulation based on legal authority and reasonableness. Current licensees and those who commented on the proposed regulation were notified of the Agriculture and Rural Affairs Committee meeting at which the item would be discussed. Notification was also posted on the City's website in accordance with the Notice By-law, as amended.

Many of the suggested amendments were incorporated into the proposed regulations in some form. The issues outlined below were however among the more significant of those raised during the consultations. Staff's position with respect to these issues is provided.

Licensing of In-Home Breeding Establishments

Given some limitations with respect to inspecting private residences, the initial proposal with respect to this group was not to license it, but simply to exempt it from the limit on the number of cats and dogs that may be kept, which is prescribed in the Animal Care and Control By-law. However, the Ottawa Humane Society prefers that in-home breeders be licensed given its view that licensing contributes to the prevention and control of puppy and kitten mills. Further, many of the in-home breeders themselves also preferred to be licensed, being of the opinion that licensing provides a form of validation for their activities and that it might help address concerns precipitated by irresponsible breeders.

Limit on the Number of Dogs/Cats Kept by In-Home Breeding Establishments

The licensing proposal with respect to in-home breeding establishments includes a limit of ten (10) on the number of dogs or cats over the age of twenty (20) weeks that may be kept for breeding, showing or other purposes, to which some establishments object given, in part, that not all of the dogs or cats they keep are active; that is, some are retired so are no longer being used for breeding or showing, yet they are still part of the family. The limit of ten (10) was determined through the consultations with stakeholders, based on numbers kept by the majority currently, and the number that seems reasonable to meet their operational requirements. This limit is also recommended as a precaution to prevent puppy and kitten mills, and is supported by the Ottawa Humane Society. As well, a limit on the number would also reduce the potential for nuisance that may result from a larger number of animals.

Existing In-Home Breeding Establishments

To staff's knowledge, only a few of the known in-home breeders may not meet the licensing requirements outlined in Schedule 32. The one factor that may prevent this however relates to the limit on the number kept. In one case, the in-home breeder has twenty-two (22) dogs. It is anticipated however that most of the current in-home breeders will be able to meet the requirements and, as a result, staff does not recommend the grandfathering of any existing establishments.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management impediments associated with the recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the recommendations as the costs, if any, are included in the current budget for By-law and Regulatory Services. No incremental costs are anticipated.

ACCESSIBILITY IMPACTS

The recommendations will have no negative impact on people with disabilities and/or seniors.

TECHNOLOGY IMPLICATIONS

There are no technological implications directly associated with the recommendations.

TERM OF COUNCIL PRIORITIES

There is no direct impact on the 2010-2014 Term of Council Priorities associated with the recommendation.

SUPPORTING DOCUMENTATION

Document 1 – Draft By-law to amend the Licensing By-law, including Schedule 31 Relating to Kennels and Schedule 32 Relating to In-Home Breeding Establishments

DISPOSITION

If the recommendation is approved, By-law & Regulatory Services, in consultation with Legal Services, to process the by-law to Council for enactment

BY-LAW NO. 2012-

A by-law of the City of Ottawa to amend By-law No. 2002-189 with respect to kennels and in-home breeding establishments, and to repeal the provisions respecting kennels in certain by-laws of the old municipalities.

The Council of the City of Ottawa enacts as follows:

1. Section 1 of By-law No. 2002-189 entitled "A by-law of the City of Ottawa respecting the licensing, regulating and governing of certain businesses", as amended, is amended by adding thereto the following definitions:

"cat" means a male or female domesticated cat;

"dog" means a male or female domesticated dog;

"in-home breeding establishment" means any premises or part thereof where:

- (a) more than three (3) and less than eleven (11) dogs over the age of twenty (20) weeks, or
 - (b) more than five (5) and less than eleven (11) cats over the age of twenty (20) weeks,
- are being bred or raised;

"kennel" means any premises or part thereof where:

- (a) more than three (3) dogs over the age of twenty (20) weeks, or
 - (b) more than five (5) cats over the age of twenty (20) weeks,
- are boarded, raised or trained, for any period of time that includes an overnight stay, for remuneration;

2. Section 9 of the said By-law No. 2002-189 is amended by adding thereto immediately after clause (30), the following clause:

- (31) every person who owns or operates a kennel;
- (32) every person who owns or operates an in-home breeding establishment

3. Schedule "A" of the said By-law No. 2002-189 is amended by adding thereto the following items:

<u>Column 1</u> <u>Description of License</u>	<u>Column 2</u> <u>License Fee \$</u>	<u>Column 3</u> <u>Expiry Date</u>
KENNEL	100.00	April 30
IN-HOME BREEDING ESTABLISHMENT	75.00	

4. The said By-law No. 2002-189 is amended by adding thereto, immediately after Schedule No. 30, the Schedule No. 31 Relating to Kennels and the Schedule No. 32 Relating to In-Home Breeding Establishments, attached hereto.

REPEAL OF OLD MUNICIPALITIES' BY-LAWS

OLD CITY OF CUMBERLAND

5. By-law 86-87 of the old Corporation of the Township of Cumberland entitled "A by-law to provide for the licensing of dogs and the regulating of the keeping of dogs", as amended, is repealed.

OLD CITY OF GLOUCESTER

6. By-law No. 170-2000 of the old Corporation of the City of Gloucester entitled "Being a by-law of The Corporation of the City of Gloucester to provide for licensing, regulating and governing certain trades, callings, businesses, occupations or Home Occupations", as amended, is amended:

- (a) by repealing the definition "Kennel" where it occurs in Section 1,
- (b) by repealing item "Kennels A-25" where it occurs in Schedule "A",
- (c) by repealing Schedule "A-25", and
- (d) by repealing the item "Kennel \$150.00" where it occurs in Schedule "C".

OLD TOWNSHIP OF GOULBOURN

7. By-law 11-95 of the old Corporation of the Township of Goulbourn entitled "Being a by-law for the licensing, regulating and keeping of animals", as amended, is repealed.

OLD CITY OF KANATA

8. By-law No. 139-00 of the old Corporation of the City of Kanata entitled "Being a by-law of The Corporation of the City of Kanata to provide for licensing, regulating and governing certain trades, callings, businesses or occupations", as amended, is repealed.

OLD CITY OF NEPEAN

9. By-law No. 135-2000 of the old Corporation of the City of Nepean entitled "Being a by-law of The Corporation of the City of Nepean to provide for licensing, regulating and governing certain trades, callings, businesses or occupations", as amended, is amended:

- (a) by repealing item "20 Kennels" where it occurs in the Index to Licenses,
- (b) by repealing item "Kennels" where it occurs in Schedule "A" entitled "FEES FOR LICENSES", and
- (c) by repealing Schedule 20 entitled "Kennel License".

OLD CITY OF OTTAWA

10. By-law Number L6-2000 of the old Corporation of the City of Ottawa entitled “A by-law of The Corporation of the City of Ottawa respecting licenses”, as amended, is repealed.

11. By-law Number 59-76 of the old Corporation of the City of Ottawa entitled “A by-law of The Corporation of the City of Ottawa respecting Kennels and the Limitation of the Number of Cats and Dogs”, as amended, is repealed.

OLD TOWNSHIP OF OSGOODE

12. By-law No. 83-2000 of the old Corporation of the Township of Osgoode entitled “Being a by-law concerning kennels” is repealed.

OLD TOWNSHIP OF RIDEAU

13. By-law No. 39/99 of the old Corporation of the Township of Rideau entitled “Being a by-law to regulate the keeping of dogs in the Township”, as amended, is repealed.

OLD TOWNSHIP OF WEST CARLETON

14. By-law No. 90 of 2000 of the old Corporation of the Township of West Carleton entitled “Interim Control By-law – Kennels” is repealed.

15. By-law No. 16 of 1999 of the old Corporation of the Township of West Carleton entitled “Being a By-law to provide for the keeping, licensing and control of dogs in the Township of West Carleton”, as amended, is repealed.

EFFECTIVE DATE

16. This by-law shall come into effect on the 1st day of April, 2013.

ENACTED AND PASSED this day of

CITY CLERK

MAYOR

SCHEDULE NO. 31
Relating to Kennels

LICENSES REQUIRED

1. (1) Every owner or operator of a kennel shall obtain a kennel license.
- (2) A separate license shall be obtained for each premises at which a kennel is being operated.

EXEMPTIONS

2. This schedule does not apply to:
 - (a) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended,
 - (b) premises that are registered with the City as premises where dogs or cats are receiving temporary foster care, and
 - (c) the local animal shelter operated by the Ottawa Humane Society.

CONDITIONS FOR ISSUANCE

3. (1) No individual other than the owner or operator of a kennel shall apply for a kennel license.
- (2) No applicant for a kennel license shall be issued a license unless:
 - (a) the applicant is at least eighteen (18) years of age,
 - (b) the applicant submits to the Chief License Inspector a detailed plan that includes the following information:
 - i. the maximum number of dogs or cats that may be boarded, raised or trained in the kennel,
 - ii. procedures as to how sickness, disease or injuries to a dog or cat will be handled at the kennel,
 - iii. name and telephone number of emergency veterinarian on call, and,
 - iv. procedures established for an emergency evacuation,
 - (c) the premises comply with the zoning, building and property standards requirements of the City,
 - (d) if deemed necessary by the Fire Chief, the Fire Chief has reported in writing that the premises complies with all applicable fire regulations,
 - (e) an authorized Inspector or Agent appointed under the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36, as amended, or any successor thereto, has reported in writing that the premises, and the animals housed on the premises, have been inspected and meet the requirements of the Act and any Regulations thereunder;
 - (f) the applicant has agreed to indemnify and save harmless the City of Ottawa as required by Section 7 of this Schedule,

- (g) the applicant has filed proof of insurance as required by Section 8 of this Schedule, and
- (h) the applicant has paid the fee set out in Schedule "A".

4. The Chief License Inspector may impose such additional conditions with respect to the issuance of a kennel license, as he or she deems necessary to ensure the health, safety and well being of the public.

CONDITIONS FOR RENEWAL

5. No kennel license shall be renewed unless:
- (a) if deemed necessary by the Chief License Inspector, the Fire Chief has reported in writing that the premises are suitable for the purpose of the license application and comply with all applicable fire regulations;
 - (b) if deemed necessary by the Chief License Inspector, an authorized Inspector or Agent appointed under the Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. O.36, as amended, or any successor thereto, has reported in writing that the premises, and the animals housed on the premises, have been inspected and meet the requirements of the Act and any Regulations thereunder;
 - (c) the applicant has agreed to indemnify and save harmless the City of Ottawa as required by Section 7 of this Schedule,
 - (d) the applicant has provided proof of insurance as required by Section 8 of this Schedule, and
 - (e) the applicant has paid the fees outlined in Schedule "A" of this by-law.

6. The Chief License Inspector may impose such additional conditions with respect to the renewal of a kennel license, as he or she deems necessary to ensure the health, safety and well being of the public.

INDEMNIFICATION

7. The licensee shall indemnify and save harmless the City of Ottawa from and against any and all claims, causes of action, loss, costs or damages that the City of Ottawa may suffer, incur or be liable for, resulting from the performance or non-performance of the licensee of the licensee's obligations under the license whether with or without negligence on the part of licensee, the licensee's employees, directors contractors and agents.

INSURANCE

8. (1) Every applicant for a kennel license shall file with the Chief License Inspector proof of insurance of Commercial General Liability insurance coverage subject to limits of not less than Two Million (\$2,000,000.00) Dollars inclusive per occurrence for bodily injury, death and damage to property, including loss of use thereof.

- (2) The proof of insurance shall contain an endorsement to provide the Chief License Inspector with thirty (30) days prior written notice of any cancellation or of a material change that would diminish coverage.

TRANSFERS OF LICENSE

9. The kennel licenses issued pursuant to this Schedule are not transferable.

POSTING OF LICENSE

10. No licensee shall fail to post the kennel license in a prominent location on the licensed premises so as to be clearly visible to the public.

POSTING OF EMERGENCY EVACUATION PLAN

11. No licensee shall fail to post the emergency evacuation plan referred to in Section 3(2)(b)iv. in a prominent location on the licensed premises so as to be clearly visible to staff and to the public.

RECORDS

12. (1) No licensee shall fail to ensure that a record is made in a clear and legible manner and contains the following information at a minimum:
 - (a) the name of every owner of a dog or cat left at the kennel, including an emergency contact number,
 - (b) the name, breed and description of every dog or cat left at the kennel,
 - (c) verification of rabies immunization, and,
 - (d) the dates of arrival and departure of every dog or cat.
- (2) No licensee shall fail to ensure that the records are available upon request for inspection by the Chief License Inspector.

GENERAL REGULATIONS

Care of Dogs and Cats

13. (1) No licensee shall fail to ensure that:
 - (a) knowledgeable and experienced staff are in charge of and responsible for the care and safeguarding of the dogs or cats, and
 - (b) all persons responsible for the care, feeding or cleaning of the dogs or cats are adequately instructed and supervised in the handling and care of the dogs or cats.
- (2) No licensee shall fail to maintain and make readily available to kennel staff at all times written dog or cat care procedures providing:
 - (a) methods of handling the dogs or cats generally and in the event of escape,
 - (b) methods for handling sickness, injury or death of a dog or cat,

- (c) methods for handling situations in which a dog or cat has bitten a person or another dog or cat, and,
 - (d) contact information for a veterinarian, for the Ottawa Humane Society and for City of Ottawa By-law & Regulatory Services.
- (3) No licensee shall fail to ensure that any dog or cat indicating symptoms of serious illness or serious injury requiring veterinary attention is:
- (a) isolated, if appropriate,
 - (b) examined by a veterinarian within a reasonable period of time from the onset of the symptoms of illness or injury, or as authorized by the owner or emergency contact on behalf of the owner,
 - (c) treated in accordance with the veterinarian's directives, as appropriate, and,
 - (d) kept in an isolated area separate from all other dogs or cats, if appropriate, until such illness or injury is cured or the risk of contagion is eliminated.

14. No licensee shall fail to ensure that all dog and cat waste materials and dead dogs and cats are disposed of in a manner that will not create a public nuisance or health hazard and in accordance with all applicable laws.

Facility Requirements

15. (1) No licensee shall fail to ensure that the kennel is:
- (a) maintained in a clean and sanitary condition,
 - (b) well-ventilated and well-lit, and,
 - (c) maintained at a temperature suitable for the welfare and comfort of each dog or cat therein based on its breed, age and health status.
- (2) No licensee shall fail to ensure that every doorway, window or outside opening provides an effective barrier against the escape of a dog or cat.
- (3) No licensee shall fail to ensure that:
- (a) an exercise area, whether indoor or outdoor, is provided so as to enable each dog or cat to exercise freely and easily in a manner that will prevent injury to the dog or cat, and,
 - (b) where dog or cat runs are provided, each run shall:
 - (i) have a minimum floor area that is appropriate for the breed and size of the dog or cat,
 - (ii) be maintained in such a manner to keep the dog or cat securely enclosed, and
 - (iii) be free from debris.
- (4) No licensee shall fail to ensure that the surface of every outdoor yard and run is:
- (a) covered in concrete, asphalt, fine gravel or other material or grass which can be easily cleaned or raked, and
 - (b) cleaned at least once daily.

16. No licensee shall fail to ensure that the property is fenced in such a way as to ensure that all dogs are confined to the property.

Housing of Dogs and Cats

17. No licensee shall fail to ensure that every indoor cage or pen used for the keeping or housing of dogs or cats:

- (a) is of an adequate size to permit the dog or cat confined therein to:
 - (i) stand normally to its full height;
 - (ii) extend its legs and body to their full natural extent;
 - (iii) turn around easily;
 - (iv) move about easily for the purpose of posture adjustments; and,
 - (v) lie down in a fully extended position,
- (b) has a floor soundly constructed of hard, durable material which is impervious to water, or which is disposable and replaceable,
- (c) is equipped with receptacles for food and water, mounted or situated such that they cannot be easily overturned or contaminated,
- (d) is in good working condition,
- (e) is not dangerous to the health or well-being of the dog or cat, and,
- (f) is maintained in a clean and sanitary condition at all times with all waste material removed at least twice daily.

18. No licensee shall fail to ensure that dogs or cats confined in cages or runs are exercised appropriately based on their breed and size.

19. No licensee shall fail to ensure that every dog or cat is supplied on a daily basis with:

- (a) food that is nutritionally adequate for the dog or cat, and,
- (b) adequate amounts of fresh potable water available at all times.

20. No licensee shall fail to comply with all other applicable federal or provincial laws and regulations, and municipal by-laws.

SCHEDULE NO. 32
Relating to In-Home Breeding Establishments

LICENSES REQUIRED

1. (1) Every owner or operator of an in-home breeding establishment shall obtain an in-home breeding establishment license.
- (2) A separate license shall be obtained for each premise at which an in-home breeding establishment is being operated.
- (3) Applicants for a new or renewed in-home breeding establishment license shall be exempt from the requirement to pay the processing fee prescribed in Schedule "A" of the By-law.

EXEMPTIONS

2. This schedule does not apply to:
 - (a) an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended,
 - (b) premises that are registered with the City as premises where dogs or cats are receiving temporary foster care, and
 - (c) the local animal shelter operated by the Ottawa Humane Society.

CONDITIONS FOR ISSUANCE

3. (1) No individual other than the owner or operator of an in-home breeding establishment shall apply for an in-home breeding establishment license.
- (2) No applicant for an in-home breeding establishment license shall be issued a license unless:
 - (a) the applicant is at least eighteen (18) years of age,
 - (b) the premises are located in one of the following zones and meets all other applicable zoning requirements of the City: agricultural, environmental protection, mineral extraction, rural commercial, rural countryside, rural residential, rural village, village mixed use, village residential,
 - (c) the premises comply with property standards requirements of the City,
 - (d) the number of dogs or cats over the age of twenty (20) weeks being kept for breeding, showing or other purposes does not exceed ten (10),
 - (e) there are no convictions or outstanding Orders against the applicant issued under the *Ontario Society for the Prevention of Cruelty to Animals Act*,
 - (f) the applicant is a member in good standing of a bona fide dog or cat registry or organization, such as the Canadian Kennel Club or the Canadian Cat Association respectively, or other such organization as may be approved by the Chief License Inspector,

- (g) the applicant complies with the Code of Practice or Code of Ethics or other guidelines established by the appropriate organization identified in clause (f), or to the *Code of Practice for Canadian Kennel Operations* (dogs) or the *Code of Practice for Canadian Cattery Operations* (cats) established by the Canadian Veterinary Medical Association or any successor document thereto;
- (h) the applicant obtains, free of charge, a license for each dog or cat, and the dogs or cats are identified with the municipal tag or a microchip or a legible tattoo at no later than ten (10) weeks of age, and,
- (i) the applicant has paid the fee set out in Schedule "A".

4. The Chief License Inspector may impose such additional conditions with respect to the issuance of an in-home breeding establishment license, as he or she deems necessary to ensure the health, safety and well being of the public.

CONDITIONS FOR RENEWAL

5. No in-home breeding establishment license shall be renewed unless:
- (a) if deemed necessary by the Chief License Inspector, a property standards inspection is conducted and the premises comply with property standards requirements of the City,
 - (b) the number of dogs or cats over the age of twenty (20) weeks being kept for breeding, showing or other purposes does not exceed ten (10),
 - (c) there are no convictions or outstanding Orders against the applicant issued under the *Ontario Society for the Prevention of Cruelty to Animals Act*,
 - (d) the applicant is a member in good standing of a bona fide dog or cat registry, such as the Canadian Kennel Club or the Canadian Cat Association respectively, or other such organization as may be approved by the Chief License Inspector,
 - (e) the applicant complies with the Code of Practice or Code of Ethics or other guidelines established by the appropriate organization identified in clause (d), or to the *Code of Practice for Canadian Kennel Operations* (dogs) or the *Code of Practice for Canadian Cattery Operations* (cats) established by the Canadian Veterinary Medical Association or any successor document thereto,
 - (f) the applicant renews the existing or obtains a new license, free of charge, for each dog or cat accordingly, and the dogs or cats are identified with the municipal tag or a microchip or a legible tattoo at no later than nine (9) weeks of age, and,
 - (g) the applicant has paid the fee set out in Schedule "A".

6. The Chief License Inspector may impose such additional conditions with respect to the renewal of a in-home breeding establishment license, as he or she deems necessary to ensure the health, safety and well being of the public.

TRANSFERS OF LICENSE

7. The in-home breeding establishment licenses issued pursuant to this Schedule are not transferable.

AVAILABILITY OF LICENSE

8. No licensee shall fail to make available for viewing by clients the in-home breeding establishment license.

RECORDS

9. (1) No licensee shall fail to ensure that records are maintained in accordance with best practices of the Canadian Kennel Club or the Canadian Cat Association, or other such organization as may be approved by the Chief License Inspector.
- (2) No licensee shall fail to ensure that the records are available upon request for inspection by the Chief License Inspector.

GENERAL REGULATIONS

Breeding, Selling and Transferring

10. No licensee shall cause or permit a female dog or a female cat to:
- (a) be mated if she is less than one (1) year of age, and,
 - (b) give birth to more than six (6) litters.
11. No licensee shall transfer a dog or cat to its purchaser before the dog or cat is seven (7) weeks of age.

Care of Dogs and Cats

12. No licensee shall fail to ensure that any dog or cat indicating symptoms of serious illness or serious injury is:
- (a) examined by a veterinarian within a reasonable period of time of the onset of the symptoms of the illness or the injury, and,
 - (b) depending on the condition, treated in accordance with the veterinarian's directives, as appropriate.
13. No licensee shall fail to ensure that all dog or cat waste materials and dead dogs and cats are disposed of in a manner that will not create a public nuisance or health hazard and in accordance with all applicable laws.

Facility Requirements

14. (1) No licensee shall fail to ensure that the in-home breeding establishment is:
- (a) maintained in a clean and sanitary condition,
 - (b) well-ventilated and well-lit, and,
 - (c) maintained at a temperature suitable for the welfare and comfort of each dog or cat therein based on its breed, age and health status.
- (2) No licensee shall fail to ensure that:
- (a) an exercise area, whether indoor or outdoor, is provided so as to enable each dog or cat to exercise freely and easily in a manner that will prevent injury to the dog or cat, and,
 - (b) where dog or cat runs are provided, each run shall:
 - (i) have a minimum floor area that is appropriate for the breed and size of the dog or cat,
 - (ii) be maintained in such a manner to keep the dog or cat securely enclosed, and
 - (iii) be free from debris.
- (3) No licensee shall fail to ensure that the surface of every outdoor yard and run is:
- (a) covered in concrete, asphalt, fine gravel or other material or grass which can be easily cleaned or raked, and
 - (b) cleaned at least once daily.
15. No licensee shall fail to ensure that the property is fenced in such a way as to ensure that all dogs or cats are confined to the property.

Housing of Dogs or Cats

16. No licensee shall fail to ensure that every crate, cage or pen used for the keeping or housing of dogs or cats:
- (a) is of an adequate size to permit the dog or cat confined therein to:
 - (i) stand normally to its full height;
 - (ii) extend its legs and body to their full natural extent;
 - (iii) turn around easily;
 - (iv) move about easily for the purpose of posture adjustments; and,
 - (v) lie down in a fully extended position,
 - (b) has a floor soundly constructed of hard, durable material which is impervious to water, or which is disposable and replaceable,
 - (c) is equipped with receptacles for food and water, mounted or situated such that they cannot be easily overturned or contaminated,
 - (d) is in good working condition,
 - (e) is not dangerous to the health or well-being of the dog or cat, and,
 - (f) is maintained in a clean and sanitary condition at all times with all waste material removed at least twice daily.

17. No licensee shall fail to ensure that dogs or cats confined in cages or runs are exercised appropriately based on their breed and size.

18. No licensee shall fail to ensure that every dog and cat is supplied on a daily basis with:

- (a) food that is nutritionally adequate for the dog or cat, and,
- (b) adequate amounts of fresh potable water available at all times.

19. No licensee shall fail to comply with all other applicable federal or provincial laws and regulations, and municipal by-laws.