

The Corporation of the Town of Essex

By-Law Number 2386

Being a by-law to amend By-Law 2221 being a by-law to regulate and license dog kennels within the municipal boundaries of the Town of Essex

WHEREAS By-Law 2221 is a by-law to regulate and license dog kennels within the municipal boundaries of the Town of Essex;

AND WHEREAS the Council of the Corporation of the Town of Essex deems it desirable and in the best interest of the municipality to further amend By-Law 2221;

NOW THEREFORE be it resolved that the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. **That** By-Law 2221 be amended as follows:

- a. Subsection 1.2.4 is deleted and expunged in its entirety and replaced with the following:

Subsection 1.2.4 "Boarding Kennel" means any Premises or part thereof where Dogs over the age of six (6) months old, are boarded or trained for any period of time, not limited to an overnight stay, for profit or gain;

- b. Subsection 1.2.6 is deleted and expunged in its entirety and replaced with the following:

Subsection 1.2.6 "Breeding Kennel" means any Premises or part thereof where dogs, to a maximum of ten (10) Dogs over the age of six (6) months are Owned or raised for the purposes of Breeding.

- c. Subsection 1.2.13 is deleted and expunged in its entirety and replaced with the following:

- i. "**Dog Daycare**" means a facility where Dogs are boarded for an aggregate period not exceeding fourteen (14) hours within a twenty-four (24) hour period during which, the Dogs are socialized with other Dogs in an open (meaning without barriers), controlled and secure setting and typically the Dogs are not kept in individual Kennels or Dog Runs. The Dogs boarded in a Dog Daycare are typically boarded for short periods of time and during the majority of stay, the Dog(s) are socializing and playing with other Dogs, Dog Daycare does not include a Kennel or Recreational Kennel as defined herein.

- d. Subsection 1.2.36 is deleted and expunged in its entirety and replaced with the following:

- i. "**Premises**" includes a building or structure, the land on which such building or structure is situated and any accessory building or structure on such land.

- e. Subsection 1.2.37 is deleted and expunged in its entirety and replaced with the following:

"**Recreational Kennel**" means any Premises or part thereof where a maximum of ten (10) Dogs are Owned, and raised for non-commercial

recreational purposes without remuneration, such as Dog sledding, and are not bred for sale.

- f. Subsection 4.2 is deleted and expunged in its entirety and replaced with the following:

4.2 Appeal

4.2.1 Persons or Applicants may appeal to the Appeals Committee in relation to matters noted in subsection 4.1.1 of this By-Law. A request for an appeal shall be made in writing to the Licensing Administrator setting out the reasons for the appeal within 7 days after service of the written notice.

4.2.2 Where no request for an appeal is received in accordance with subsection 4.1 of this By-Law, the decision of the Licensing Administrator shall be deemed to be affirmed.

4.2.3 Where a request for an appeal is received in accordance with subsection 4.1 of this By-Law, a hearing of the Appeals Committee shall be convened, and the Applicant or Licensee shall be provided reasonable written notice thereof.

4.2.4 After such opportunity to be heard is afforded to the Applicant or Licensee, the Appeals Committee may make a decision in respect of which the hearing was held or the opportunity for hearing afforded. The decision of the Appeals Committee is final and not subject to review. The Appeals Committee may refuse to issue or renew a Licence, revoke, suspend, or impose any conditions upon a Licence. The Appeals Committee may cancel or reduce an administrative penalty.

4.2.5 Pursuant to Section 23.2 of the Municipal Act, 2001, S.O. 2001, c. 25, Council hereby delegates to the Committee the power to make the final decision in respect of which a hearing was held, and it is the opinion of Council that this delegated power is of a minor nature. This delegation may be revoked by Council at any time.

4.2.6 Where the Appeals Committee conducts a hearing, the rules set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 shall apply.

- g. Section 8.2.2 is deleted and expunged in its entirety and all subsequent subsections be renumbered accordingly.
2. **That** this By-Law shall come into full force and effect upon the final passing thereof.

Read a first, a second and a third time and finally passed on February 18, 2024.

Mayor

Clerk