

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

BY-LAW 01-2024

BEING A BY-LAW RESPECTING COMMERCIAL DOG CARE AND KENNEL FACILITIES

WHEREAS Section 172(1) of the Nova Scotia Municipal Government Act (MGA) provides Municipalities with the power to make by-laws, for Municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; the regulation of businesses and respecting nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including noise; and,

WHEREAS Section 174(f) of the MGA provides Municipalities with the power to make by-laws respecting wild and domestic animals and activities in relation to them; and,

WHEREAS Section 175 of the MGA provides Municipalities with the power to make by-laws specifically pertaining to dogs.

NOW THERE BE IT ENACTED AS FOLLOWS:

INTERPRETATION

1. Short Title

- 1.1. This Bylaw shall be known and may be cited as the “Commercial Dog Care and Kennel Facility Bylaw” of the Municipality of the County of Antigonish and shall apply to all lands within the Municipality of the County of Antigonish.

2. Purpose and Scope

- 2.1. The purpose of this Bylaw is to establish standards for the siting of commercial dog care and kennel facilities to ensure compatibility with adjacent land uses and to establish design standards for outdoor dog enclosures and runs to help minimize noise from barking dogs.
- 2.2. This Bylaw does not exempt any individual from complying with the requirements of other bylaws or regulations in force within the Municipality of the County of Antigonish and from obtaining any license, permission, permit, authority or approval required by the Municipality, the Province of Nova Scotia, and/or the Federal Government of Canada.
- 2.3. The Bylaw shall apply to all commercial dog care and kennel facilities existing before the adoption of this Bylaw except as exempted by herein.

Notwithstanding Subsection 4.6.2, the requirements of Section 5 shall not apply to facilities legally operating on the date of the passing of this By-law.

3. Definitions

For the purposes of this Bylaw:

- 3.1. **“Adjacent Dwelling”** means any dwelling unit not on the property on which a Commercial Dog Care and/or Kennel Facility is located.
- 3.2. **“Commercial Dog Care and Kennel Facility”, “Facility” or “Facilities”** means any land, building, structure, outdoor enclosure or other facility where dogs are kept, boarded or bred for commercial purposes. A commercial dog care facility may include daily and overnight boarding, breeding facilities, kennels and dog daycare or combination thereof. For greater clarity, activities exempt from this Bylaw include:
 - 3.2.1. Veterinary clinics;
 - 3.2.2. Pet grooming businesses that do not provide any form of unattended care and do not have an outdoor dog enclosure or run;
 - 3.2.3. Pet training facilities where each attending dog is handled at all times either by the dog owner or trainer and in which the facility has no boarding capacity;
 - 3.2.4. Hobby or occasional breeding where no more than two litters are bred per calendar year on the premises to be sold for commercial purposes or monetary gain; and
 - 3.2.5. Personal ownership or fostering through a recognized animal welfare organization of any number of dogs for which there is no financial remuneration made for any care or services provided.
- 3.3. **“Council”** means the Council of the Municipality of the County of Antigonish.
- 3.4. **“Dog Control Officer”** means a person appointed or authorized by the Municipality to enforce this by-law, a by-law enforcement officer appointed under the Police Act, or a peace officer.
- 3.5. **“Development Officer”** shall mean a Development Officer appointed by the Council of the Municipality of the County of Antigonish.
- 3.6. **“Permit”** means a Commercial Dog Care and Kennel Facility Permit issued pursuant to this Bylaw.
- 3.7. **“Municipality”** means the Municipality of the County of Antigonish.

- 3.8. **“Municipal Staff”** means the Municipality’s Dog Control Officer or a person appointed by the CAO or Council to act on the Municipality’s behalf for the purposes of this By-law.
- 3.9. **“Outdoor Dog Enclosure”** or **“Run”** means an area of land that is fenced in accordance with the requirements of this Bylaw and is intended to provide a secure outdoor area for dogs to socialize, exercise and/or relieve themselves.
- 3.10. **“Owner”** and **“Operator”** mean respectively any owner or operator of a commercial dog care and kennel facility for which a Permit is required under this Bylaw.
- 3.11. Any term not defined herein shall have that meaning given in the *Municipal Government Act*, or any replacement or successor legislation that empowers the Municipality to enact a by-law regulating dogs.
- 3.12. Where a word is not defined under Section 3, the word shall have the meaning or meanings assigned by accepted Canadian English dictionaries.

4. Administration

- 4.1. No person shall establish, alter, expand or modify a commercial dog care or kennel facility in the Municipality of the County of Antigonish without first having obtained a Commercial Dog Care and Kennel Facility Permit from Municipal Staff and a Development Permit from the Development Officer.
- 4.2. Notwithstanding Section 4.1 above, a commercial dog care or kennel facility lawfully existing on the effective date of this Bylaw shall be deemed to be permitted under Section 4.1 above and may continue to exist without being required to meet the requirements and conditions of Sections 5. Any expansion, alteration, or modification to such a facility after the effective date of this Bylaw will be subject to such requirements and conditions and these shall only apply to the expansion, alteration or modification.
- 4.3. In reviewing an application for a Permit, Municipal Staff will provide a copy of the application to the Development Officer, then the Development Officer will advise the Permit Administrator.
- 4.4. Eastern District Planning Commission will determine all planning and zoning requirements of the applicable Land Use By-Law and Municipal Planning Strategy for the proposed Permit location(s) identified in the application. Eastern District Planning Commission will advise the Applicant of such requirements, which may include obtaining a development permit from Eastern District Planning Commission. A fee for a development permit may apply.

- 4.5. A Permit for a commercial dog care or kennel facility shall be issued by Municipal Staff subject to the following requirements:
- 4.5.1. The owner/operator shall submit a completed application form hereto attached as Schedule "A";
 - 4.5.2. The Application Form shall be co-signed by all registered property owners, if the premises is not owned by the commercial dog care and kennel facility owner and/or operator.
 - 4.5.3. A completed application form is accompanied with an application fee as approved by Council.
 - 4.5.4. The requirements contained in Section 5 of this Bylaw have been met.
 - 4.5.5. Any additional requirements prescribed under the Municipality's Land Use Bylaws have been met.
- 4.6. Duration of Permit
- 4.6.1. A Permit issued or deemed pursuant to Section 4.1 and 4.2 under this Bylaw shall remain in effect during the continuous operation of the commercial dog care and kennel facility;
 - 4.6.2. Should a commercial dog care and kennel facility cease to operate for a period of twelve (12) months or more, the facility owner and/or operator will be required to reapply for a Permit to re-establish the facility provided all requirements of this By-law, including Section 5, can be satisfied.
 - 4.6.3. A Permit issued or deemed pursuant to Section 4.1 and Section 4.2 under this Bylaw shall automatically lapse and become null and void if the commercial dog care and kennel facility has not been established within one (1) year of the issuance of the Permit.
- 4.7. Notice of Decision:
- 4.7.1. Within a reasonable amount of time of receiving the completed application for a Commercial Dog Care and Kennel Facility Permit, Municipal Staff shall either issue the Permit or notify the Applicant of a decision to refuse issuance of the Permit;
 - 4.7.2. A decision to refuse an application for a Commercial Dog Care and Kennel Facility Permit shall be served to the Applicant in writing by

ordinary mail and shall include the reasons for not issuing the permit.

5. Requirements and Conditions

- 5.1. All requirements pertaining to “kennels” prescribed under the Municipality’s corresponding Land Use Bylaws have been met.
- 5.2. Buildings that house, hold, board, kennel or otherwise contain a dog or dogs devoted to the commercial dog care and kennel facility shall include:
 - 5.2.1. A wholly enclosed building that is properly ventilated in accordance with the National Building Code;
 - 5.2.2. Soundproofing of the walls and ceiling to a sound transmission class of at least 50 decibels as prescribed by the National Building Code;
 - 5.2.3. A minimum insulating value of R-12 for walls and R-20 for ceiling in accordance with the National Building Code
- 5.3. Buildings that house, hold, board, kennel or otherwise contain a dog or dogs devoted to the commercial dog care and kennel facility shall be restricted to a maximum number of dogs in relation to the kennel facility building size at a ratio of 5.5. square metres per dog.
- 5.4. All soundproofing and/or aesthetic buffering required to receive the Commercial Dog Care and Kennel Facility Permit and Development Permit must be maintained in good working order for the duration of the operation of the facility. Failure to maintain the required soundproofing and/or aesthetic buffering may result in the suspension or revocation of the Commercial Dog Care and Kennel Facility Permit.
- 5.5. All dogs shall be confined indoors during the hours of 8:00pm to 7:00am.

6. Enforcement

6.1. Right of Inspection:

Subject to any restrictions or limitations contained in valid and applicable constitutional, federal or provincial law, any employees of the Municipality authorized by the CAO or Council to act on the Municipality’s behalf for the purposes of this By-law, including but not limited to a Development Officer, Dog Control Officer, By-law Enforcement Officer and/or Peace Officer, for the purposes of inspection, maintenance and enforcement, including attempting to determine whether this Bylaw is being or has been contravened, gathering evidence of a possible contravention, or attempting to prevent a

contravention or a continuation of a contravention of the Bylaw, with a warrant or other legal process where required by law, but otherwise without a warrant enter upon or into private property, take photographs, video tape or otherwise record or preserve evidence, and disturb or interfere with people or properties to the extent reasonably necessary therefore.

6.2. Offence:

It shall be an offence to:

- 6.2.1. Contravene any provision of this Bylaw, including permit requirements, requirements and conditions or condition of operation;
- 6.2.2. Contravene any condition specified on a Commercial Dog Care and Kennel Facility Permit;
- 6.2.3. Fail to comply with any representations contained within an application in respect of which a permit has been issued.

6.3. Punishment:

Offences pursuant to Section 6.2 are punishable on summary conviction by a fine of not less than \$1,000 and not more than \$10,000 and to imprisonment of not more than two months in default of payment thereof.

6.4. Appeals

Any person who, upon application, is refused a Commercial Dog Care and Kennel Facility Permit or whose Commercial Dog Care and Kennel Facility Permit is suspended or revoked may, by written notification of the refusal, suspension, or revocation, file an appeal to Council. Council shall hear the appeal at a hearing scheduled within 60 days of the filing of the appeal and Council may allow the appeal, dismiss the appeal or vary the decision under the appeal.

7. Severability

It is hereby declared that each and every of the foregoing Sections of this By-law is severable and that if any provision of this Bylaw should for any reason be declared invalid by any court, it is the intention and desire of the Council that each and every of the then remaining provisions hereof should remain in full force and effect.

CERTIFICATION PAGE

By-law 01-2024; Being a By-Law Respecting Commercial Dog Care and Kennel Facilities

READ a first time this

10th day of September, 2024

READ a second time and passed
this

8th day of October, 2024



Warden



CAO

Notice of Adoption Published on the Municipality of the County of Antigonish website November 19th, 2024 and in *The Reporter* November 27th, 2024, in accordance with the requirements of the *Municipal Government Act*