

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 58-2021

Being a By-law to licence, regulate and govern pet shops in the Town of Ajax.

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, as amended ("Municipal Act"), authorizes a municipal Council to pass By-laws for licencing, 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 the "Municipal Act" provides the Town with broad authority to pass By-laws within various "spheres of jurisdiction", including a By-law respecting animal matters;

NOW THEREFORE, 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" means any member of the animal kingdom, other than a human;
- (b) "Animal Welfare Inspector" means an Animal Welfare Inspector appointed under the Provincial Animal Welfare Services Act, 2019;
- (c) "Committee" means the Committee of Council to which Council has delegated the responsibility of handling licencing matters;
- (d) "Council" means the Council of the Town;
- (e) "licence" 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 licences, and includes a person appointed by Council for the express purpose of issuing licences under this By-law and includes a Municipal Law Enforcement Officer;
- (g) "livestock" includes but is not limited to: any domestic fowl (including chickens, ducks, geese, turkeys, guinea fowl, swans, ostrich, etc.), horses, donkeys, mules, bulls, oxen, cows or other cattle, sheep, lamb, goats, pigs, llamas, mink, emus, alpacas, wild boar, bison, deer, elk, ponies, rhea, fox, or bees used or kept for agricultural purposes;
- (h) "Municipal Law Enforcement Officer" means a Municipal Law Enforcement Officer appointed to enforce the By-laws of the Town;
- (i) "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 to premises which are utilized as a pet shop and also includes the registered owner of the property;
- (j) "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;
- (k) "pet" means a domesticated animal that is commonly kept as a companion and cared for affectionately; "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. This excludes owners with one litter of kittens and/or one litter of puppies born every two (2) years;
- (l) "purebred" means a dog whose sire and dam represent the same breed and are

themselves of unmixed descent or a cat whose tom and queen represent the same breed and are themselves of unmixed descent;

- (m) "Town" means The Corporation of the Town of Ajax;
- (n) "veterinarian" means a person registered to practice veterinary science under the Veterinarians Act, R.S.O. 1990, c. V.3, as amended; and
- (o) "wild animal" means an animal of the wild, untamed, uncultivated, feral, or of brutal nature or disposition.

3. GENERAL

- 3.1 Every owner of a pet shop shall comply with any and all special conditions imposed by the Town in the licence or in this By-law.
- 3.2 No person shall, knowingly or not knowingly, own or operate, or permit to be operated, a pet shop in the Town without making application for, obtaining and maintaining a pet shop licence, pursuant to the terms of this By-law.
- 3.3 No person shall, knowingly or not knowingly, own a pet shop on premises where the Town's Zoning By-laws do not permit the use of those premises for such purposes.
- 3.4 Every owner shall comply with all Provincial and Municipal Legislation, as amended, including, but not limited to: The Fire Protection and Prevention Act, S.O 1997, as amended from time to time, The Ontario Building Code and regulations thereto.
- 3.5 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 and funded by a branch of the government;
 - (c) any facility in which animals are placed for care pursuant to the Pounds Act R.S.O. 1990 c. P.17; or
 - (d) any facility in which animals are placed for care pursuant to the Animals for Research Act R.S.O. 1990 c. A.22.
- 3.6 No owner of a pet shop shall, knowingly or not knowingly, sell, permit the sale of or give away any animal prohibited to be kept by any By-law of the Town, or any other legislation to a resident of the Town.
- 3.7 No owner of a pet shop shall, knowingly or not knowingly, keep, sell, permit the sale of or give away livestock.
- 3.8 No owner of a pet shop shall, knowingly or not knowingly, keep, sell, permit the sale of or give away any native or exotic wild animal.
- 3.9 No owner of a pet shop shall, knowingly or not knowingly, keep, sell, permit the sale of or give away any protected and/or endangered animal, native or exotic, whose possession or sale is prohibited pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA), the Species at Risk Act (SARA), the Migratory Birds Convention Act, the Fish and Wildlife Conservation Act or any other Provincial or Federal legislation.

4. REGISTER

- 4.1 Every owner shall:
 - (a) keep a register, in English, and where applicable in a legible script, using permanent ink, or in an electronic format, in which shall be entered a record of each animal purchased or otherwise obtained, including dogs and cats, and any other animal with a retail value of \$200.00 or higher. 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 5.14 and/or Section 5.15 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 for inspection by a Licensing Officer, an Animal Welfare Inspector or a Police 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; and
 - (c) provide a copy of such register to the Town, as requested, and shall retain the register in respect of each transaction for the period of twelve (12) months thereafter.
- 4.2 Every owner who maintains their register through a computer software program shall, upon request:
 - (a) allow a Licensing Officer, an Animal Welfare Inspector or a Police Officer to review the on-screen information for the register; and
 - (b) print or otherwise copy the register or any part thereof and provide such to the Licensing Officer, an Animal Welfare Inspector or a Police Officer.
- 4.3 No owner shall, knowingly or not knowingly, remove or allow any other person, with the exception of a Licensing Officer, an Animal Welfare Inspector or a Police Officer to remove the register from the pet shop.

5. PET SHOP PRACTICES AND ANIMAL CARE

Pet Shop Practices:

- 5.1 Every owner of a pet shop shall ensure that the pet shop is maintained at all times in a sanitary, well-ventilated, clean condition, and free from offensive odours.
- 5.2 No owner of a pet shop shall, knowingly or not knowingly, 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 eight (8) weeks; or
 - (c) any underage animal, with respect to species other than dogs or cats, in accordance with the requirements of that animal.
- 5.3 Every owner shall provide every purchaser of a dog or cat with any vaccination and/or medical records from a veterinarian and an application for a municipal licence along with a copy of related animal By-laws.
- 5.4 Every owner shall ensure that dogs and cats being sold, and/or offered for sale, as pure-breds are sold, and/or offered for sale, in compliance with the Animal Pedigree Act R.S.C. 1985 c.8 and animals sold without registration papers are advertised as a cross-breed.
- 5.5 Whenever an owner of a pet shop sells, gives, donates or otherwise transfers ownership of an animal, they shall give to the purchaser a receipt. For animals with a retail value under \$200.00 the receipt shall show the name and address of the vendor, the date of the sale and the sale price. For all dogs, cats and any animal with a retail value of \$200.00 or higher, the receipt shall also include the breed or cross-breed, sex, age and the description including colour and placing of markings, if any.
- 5.6 Every owner shall ensure that any person who operates or manages a pet shop is adequately trained, skilled and conscientious in animal care, and has knowledge of the characteristics, care and handling of the species entrusted to their care and that said person shall supply such care during normal business hours, on weekends and on holidays.
- 5.7 Every owner shall take all reasonable and humane steps to prevent the pet shop from creating nuisances including, but not limited to: animal noises, odours and/or garbage.
- 5.8 Every owner shall ensure that waste materials are disposed of in a legal manner that will not create a nuisance or health hazard and exterior waste receptacles are emptied regularly to ensure odour free conditions.

Animal Enclosures:

5.9 Every owner of a pet shop shall ensure that:

- (a) every animal is kept in sanitary, clean quarters, with adequate and suitable bedding and with appropriate lighting (natural light where appropriate) and temperature conditions maintained for the health requirements of the type of species of animal housed therein;
- (b) all cages, tanks, containers or other enclosures in which animals are housed on the premises are structurally sound and in good repair to protect the animals from injury and to contain them;
- (c) All cages, tanks, containers or other enclosures in which animals are housed must be routinely maintained allowing animals to stay clean and dry (as appropriate) and have convenient access to food and clean water;
- (d) all cages, tanks, containers or other enclosures in which animals are housed on the premises are 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, avoidance of a draught and to prevent undue direct or disturbing physical contact with such animals by the general public;
- (e) quarters have a sealed concrete or other impermeable floor and such floor shall be thoroughly cleaned and washed with a proper disinfectant and water solution at least once each day, or more often if necessary, to keep the said floor clean; and
- (f) every cage, tank, container or other enclosure used for the keeping or housing of any animal, excluding fish, shall:
 - (i) be of adequate size to permit any such animal to stand normally to its full height, to turn around, to lie down in a fully extended position, to exercise normal postural movements and experience necessary socialization with cage mates (if appropriate) without restrictions or overcrowding;
 - (ii) with respect to birds, 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 without contact and perching material of different sizes and textures to prevent foot damage. Perches provided must allow a bird to stand on them without the head touching the ceiling at the same time not having the tail contact the floor or grate and shall be strategically placed to prevent droppings from contaminating food, water or other birds;
 - (iii) be constructed of non-toxic metal or other resistant non-porous material which can be cleaned and sanitized;
 - (iv) where appropriate, have flooring that is comfortable for the animals, which can be readily sterilized, is of adequate thickness and design to prevent injury to any such animal and is of sufficient strength to support the weight of any such animal; and
 - (v) be equipped with receptacles for food and for water, which are appropriate for sterilization, and are mounted or situated so that they cannot be easily overturned or contaminated.

Animal Care:

- 5.10 Every owner of a pet shop shall ensure that:
- (a) water is provided daily to every animal in sufficient quantity to maintain at all times a potable supply available to such animal;
 - (b) animals are fed each day in accordance with the particular food requirements of each type or species of animal kept in the said pet shop;
 - (c) a suitable exercise area, appropriate for the species, is available within the pet shop;
 - (d) housing is maintained in a clean and sanitary condition at all times with all excrement, and any bodily secretions, removed at least twice daily or as often as is necessary to maintain a clean and sanitary condition, including on weekends and holidays;
 - (e) litter pans containing clean litter are provided, at all times, for kittens and cats which are washed, disinfected and maintained as often as necessary to ensure odour free conditions;
 - (f) light and heat in the premises is appropriate for the species kept there;
 - (g) all animals are kept in a constant and comfortable environment to ensure their health/well-being; and
 - (h) the premise is free of infestation of pests and vermin.
- 5.11 No owner of a pet shop shall, knowingly or not knowingly, display any animal in a shop or display window that causes uncomfortable living conditions.
- 5.12 Incompatible animals of different species shall not be confined or displayed in the same cage.
- 5.13 Every owner shall provide an animal, or cause it to be provided with adequate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the species.

Disease Control:

- 5.14 No owner of a pet shop shall, knowingly or not knowingly, sell any animal suffering from:
- (a) any infectious disease;
 - (b) nutritional deficiencies, including rickets or emaciation;
 - (c) internal or external parasites, unless naturally occurring in a particular species in a healthy state; or
 - (d) fractures or congenital abnormalities affecting the general health of the animal;
- unless the condition has been assessed by a veterinarian and can be treated and/or cured and does not affect the animals' quality of life.
- 5.15 Every owner of a pet shop shall ensure:
- (a) that all reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases among the animals housed therein and that any animal indicating signs of sickness or disease is examined and appropriately treated within a reasonable amount of time after 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; and
 - (b) where a veterinarian has identified that an animal is currently suffering from or has previously suffered from any of the conditions set out in Section 5.14, that the owner notify the purchasers of any previous health concerns and/or medical history as it applies to their purchased animal.

6. NATURE OF LICENCE

- 6.1 No person shall enjoy a vested right in the continuance of a pet shop licence and the value of a licence shall be the property of the Town and shall remain so irrespective of the issue, renewal or revocation thereof.
- 6.2 Any licence 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.
- 6.3 Any licence 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.
- 6.4 No fee shall be pro-rated for any portion of the year.
- 6.5 No licence shall be transferred or assigned and if an owner sells, leases or otherwise disposes of their interest in the trade, calling, business or occupation carried on at a pet shop, their licence in respect to such pet shop or activity shall, notwithstanding any other provision of this By-law, be revoked.
- 6.6 A duplicate licence may be issued by the Licensing Officer to replace any licence previously issued which has been lost, stolen or destroyed, upon written application by the licensee and payment of the fee as stated in the Town's Fees and Charges By-law.
- 6.7 Each pet shop licence, when issued, shall be posted in a conspicuous place, on the interior of the building, near the main entrance of the premises so licenced.

7. APPLICATION, RENEWAL AND REVOCATION OF LICENCE

Application:

- 7.1 Every applicant shall appear in person before a Licensing Officer and shall complete such licence 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, including but not limited to, the following:
 - (a) proof of insurance in accordance with Section 7.2;
 - (b) valid photo identification, satisfactory to the Licensing Officer; and
 - (c) payment to the Town the fee set forth in Schedule "A".

In the case of a pet shop owned by a partnership such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners, and in the case of a pet shop owned by a corporation, such appearance shall be made by an Officer of the corporation and not by an agent thereof.

- 7.2 For the purposes of consumer protection in the event of personal injury and/or property damage every person who holds a pet shop licence shall:
 - (a) provide and maintain Commercial General Liability insurance, by a licenced insurer within the Province of Ontario, subject to limits not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof arising from such activity;
 - (b) ensure that the insurance be in the name of the owner and shall name the Town as an additional insured thereunder;
 - (c) deliver a Certificate of Insurance listing the requirements as set out in (a) and (b) above which insurance shall remain in effect for the term of the licence and shall not be cancellable except on thirty days prior notice to the Town; and
 - (d) indemnify and save harmless the Town for all losses, costs, damages, charges and expenses whatsoever that may be incurred, sustained or paid by the Town resulting from the negligent acts, omissions, and/or breach of contract in the performance of the owner's obligations under this By-law.
- 7.3 Receipt of the application and/or the licence fee by the Town shall not represent approval of the application for the issuance of a licence nor shall it obligate the Town to issue such licence.

7.4 Without limiting the generality of any other provision in this By-law, persons associated in a partnership applying for a licence under this By-law shall file with their application a statutory declaration, in writing, signed by all members of the partnership that shall state:

- (a) the full name of every partner and the address of their primary 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.

7.5 If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be applying for an owner's licence as appropriate in place and stead of the partnership.

7.6 Without limiting the generality of any other provision in this By-law, every corporation applying for a licence 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 their 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.

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

7.7 The Licensing Officer shall:

- (a) receive and process all applications for licences and renewal of licences 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 them by this By-law;
- (d) make or cause to be made all investigations and inspections which they deems necessary to determine whether an applicant meets the requirements of this By-law and all applicable laws;
- (e) issue licences to persons who meet the requirements of this By-law; and
- (f) where a licence has been issued pursuant to this By-law and otherwise remains in full force and effect, renew the licences of persons who meet the requirements of this By-law.

Issuance:

- 7.8 The Licensing Officer shall issue or renew the licence 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 licence fee is paid;
 - (d) the investigations do not disclose that the issuing of such licence may be adverse to the public interest; and
 - (e) the Licensing Officer has no grounds to believe the applicant will not conduct themselves in accordance with the law or with honesty and integrity.
- 7.9 Where the Licensing Officer determines that a licence should not be issued as a result of any matter in Section 7.8 of this By-law, they shall notify the applicant either verbally or in writing.
- 7.10 Where an applicant advises the Licensing Officer, in writing and within 30 days of the applicant's notification, they dispute the determination made by the Licensing Officer under Section 7.9 of this By-law or submits that the licence applied for should be issued despite that determination, the matter shall be referred forthwith to the Committee, which shall hear representations from the Licensing Officer and the applicant.
- 7.11 The Committee may authorize the Licensing Officer to issue the licence where it concludes that the determination in Section 7.9 of this By-law is not sufficient to justify refusing to issue the licence. The Committee may impose special conditions on the licence.
- 7.12 Where the Committee determines that a licence should not be issued, the Town shall advise the applicant of such determination.

Conditions:

- 7.13 The Licensing Officer may impose any special conditions, at any time, deemed appropriate to a licence to increase public safety or to minimize public nuisances including, but not limited to:
- (a) limiting the number of animals kept at any time; and
 - (b) implementing noise control measures.

Suspension/Revocation:

- 7.14 The Licensing Officer shall notify the licensee that the licence shall be suspended or revoked, when:
- (a) the Licensing Officer has cause to believe, on reasonable grounds, that the licensee will not carry on or engage in the business in accordance with the law or with honesty and integrity;
 - (b) the licensee has been convicted of an offence which is a contravention of this By-law; or
 - (c) the Licensing Officer has cause to believe that the licensee has failed to engage in business in accordance with the conditions imposed upon the licence.
- 7.15 Where a licensee advises the Licensing Officer, in writing and within 30 days, that they dispute the suspension or revocation of the licence, the matter shall be referred forthwith to the Committee, which shall hear representations from the Licensing Officer and the licensee and either confirm the suspension or revocation of the licence or reinstate the licence, with or without special conditions, as it sees fit.

- 7.16 The Town shall advise the licensee of the Committee's determination.
- 7.17 Where the licensee does not dispute the suspension or revocation of the licence, within 30 days of the notification referred to in Section 7.14, the Licensing Officer shall forthwith suspend or revoke the licence.

Suspension without hearing:

- 7.18 The Licensing Officer may suspend the licence of any pet shop for a period not to exceed 14 days, without a hearing, provided the Licensing Officer:
- (a) is satisfied that the continuation of the business poses an immediate danger to the health or safety of any, person or property; and
 - (b) has notified the licensee, either verbally or in writing, prior to the suspension of the licence, with the reasons for the suspension and provided the licensee with an opportunity to respond.
- 7.19 When a licence has been suspended in accordance with Section 7.18, the matter shall be referred forthwith, by the Licensing Officer, to the Committee, which shall hear representations from the Licensing Officer and the licensee.
- 7.20 The Committee may:
- (a) reinstate the licence, with or without special conditions;
 - (b) suspend the licence for a specified period of time, and may impose
 - (c) conditions upon the licence; or
 - (d) revoke the licence.

8. CHANGE OF STATUS

- 8.1 Where there is any change in any of the particulars relating to a person licenced under this By-law, which particulars are required to be filed with the Town on applying for a licence under this By-law, such person shall report the change, in writing, to the Licensing Officer within 7 days of the change.
- 8.2 Where there is to be a change in the composition or the controlling interest of a partnership licenced under this By-law, the persons licenced hereunder in partnership shall obtain the approval of the Licensing Officer prior to such change taking effect. Where there has been any change in the controlling interest of the partnership by virtue of a number of transactions, the licence may be suspended or revoked, despite the Licensing Officer's prior approval of any one or more such transactions.
- 8.3 Where there is to be a change in the composition or the controlling interest of the shareholders of a corporation licenced under this By-law, the corporation shall obtain the approval of the Licensing Officer prior to such change taking effect. Where there has been any change in the controlling interest of the corporation by virtue of a number of transactions, the licence may be suspended or revoked, despite the Licensing Officer's prior approval of any one or more such transactions.

9. OFFENCE, PENALTY AND ENFORCEMENT

- 9.1 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 Provincial Offences Act.
- 9.2 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.
- 9.3 Every person shall comply with the provisions of this By-law applicable to them whether or not they are licenced under this By-law.

- 9.4 Every owner of a pet shop shall, at all times during the hours of operation, make available for inspection by a Licensing Officer, an Ontario SPCA Inspector or a Police Officer the original of any document, record, licence or register referred to in this By-law.
- 9.5 Every owner of a pet shop shall, at all times during the hours of operation, permit the entry to and the inspection of the pet shop by a Licensing Officer, an Ontario SPCA Inspector or a Police Officer.
- 9.6 No person shall hinder or obstruct, or attempt to hinder or obstruct, the entry to or the inspection of a pet shop by a Licensing Officer, an Ontario SPCA Inspector or a Police Officer.

10. VALIDITY

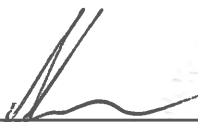
- 10.1 The provisions of this By-law shall apply to all lands and premises within the Town of Ajax.
- 10.2 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.
- 10.3 All schedules referred to in this By-law are deemed to be part of this By-law.

11. REPEAL OF BY-LAW


- 11.1 This By-law shall come into full force and take effect on the date of passing and By-law #56-2012, as amended, shall be repealed.

READ a first and second time this
Twenty-first day of September,
2021.

READ a third time and passed this
Twenty-first day of September,
2021.



Mayor



D-Clerk

