



The Corporation of the Town of Orangeville

By-Law Number 95 - 2005

A By-Law to License and Regulate Pet Shops in the Town of Orangeville

Whereas pursuant to Section 150(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and

Whereas this by-law is strictly intended for establishments in the business of selling animals for profit; and

Whereas regulations are required to ensure that the health and safety of animals kept or sold in pet shops are maintained and that consumers are protected from being sold animals that are diseased;

Now Therefore the Council of the Corporation of the Town of Orangeville hereby enacts as Follows:

1 Short Title

This by-law shall be known as the "Pet Shop By-law".

2 Definitions

In this by-law,

"animal" includes all mammals, fish, reptiles or birds, intended as pets.

"Clerk" means the Clerk of The Corporation of the Town of Orangeville.

"Council" means the Council of The Corporation of the Town of Orangeville.

"Officer" means a municipal by-law enforcement officer, provincial offences officer, police officer, licensing officer or public health inspector.

"person" includes a natural individual, a corporation, association or partnership.

"pet shop" means every shop, place or premise, where, in the calendar year, more than three (3) animals for use as pets are kept and sold.

"Town" means The Corporation of the Town of Orangeville and its locality, including its geographic area.

3 Licence Required

3.1 No person shall carry on the business of a pet shop within the Town of Orangeville unless he has obtained a licence in accordance with the requirements of this by-law.

3.2 No fee shall be pro-rated for a portion of the year.

4 Licence Exemptions

4.1 No licence shall be required for the following operations:

- 4.1.1 An animal shelter operated by or on behalf of a public authority.
- 4.1.2 A veterinary hospital or clinic.
- 4.1.3 A publicly funded educational institute.
- 4.1.4 Any facility in which animals are placed for care pursuant to the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended.

5 Licence - Issuance and Renewal

- 5.1 The Clerk shall:
 - 5.1.1 Provide application forms and a copy of this by-law to each applicant for a licence.
 - 5.1.2 Upon receipt of each completed application for a licence, make all necessary enquiries and examine all applications to ensure that they are complete.
 - 5.1.3 Issue a licence to an applicant, or issue a renewal of a licence, if the requirements as set out in this by-law have been complied with.

6 Licence - Must comply with zoning

- 6.1 No licence shall be issued for a pet shop on premises where the Town's Zoning By-law does not permit the use of the premises for such purposes.

7 Licence - Display

- 7.1 Each pet shop licence, when issued, shall be posted in a conspicuous place on the premises so licensed.

8 Licence - Requirements

- 8.1 No person shall be entitled to obtain a licence where:
 - 8.1.1 There are reasonable grounds for belief that an application or other document provided to the Clerk or an Officer by or on behalf of an applicant or licensee contains a false statement or provides false information.
 - 8.1.2 The past conduct of the applicant or licensee affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which the applicant is licensed or to be licensed in accordance with law.
 - 8.1.3 The issuance of the licence or renewal of the licence would be contrary to the public interest.
 - 8.1.4 The applicant or licensee is carrying on activities that are, or will be if the applicant is licensed, in contravention of this by-law.
 - 8.1.5 There are reasonable grounds for belief that the premises, accommodations, equipment or facilities in respect of which the licence is required do not comply with the provisions of this by-law or other applicable law.
 - 8.1.6 If the applicant or licensee is a corporation, the past conduct of the officers or directors affords reasonable grounds for the belief that the applicant or licensee will not carry on the activity for which the applicant is to be licensed in accordance with law.
 - 8.1.7 The applicant is serving a sentence imposed as a result of a conviction of a crime against animals.

9 Licence - Revocation, Suspension

- 9.1 A licence granted pursuant to this by-law may be revoked where the licensee does not comply with the provisions of this by-law or where such licence has been issued through error or where the licensee has been convicted of a crime against animals.
- 9.2 Any person who is licensed as required by this by-law shall at all times comply with the by-laws of the Town of Orangeville and any contravention of any by-law or any other law may be grounds for the suspension, revocation or cancellation of the licence.
- 9.3 A licence may be suspended, revoked or cancelled upon notice in writing by the Clerk or Officer, if in the opinion of the Clerk or Officer, any provisions of this by-law or any other law have been contravened.

10 Licence - Expiration

- 10.1 Licenses issued under the provisions of this by-law shall expire on the 31st day of January following the year of issue, unless otherwise expressed to be granted for a shorter period of time, or until said licence is revoked or suspended.

11 Licence - Non-Transferable

- 11.1 No licence issued pursuant to this by-law is assignable or transferable.

12 Licence - Partnership

- 12.1 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, which declaration shall state:
- 12.1.1 The full name of every partner and address of his, her or its ordinary residence.
- 12.1.2 The name or names under which they carry on or intend to carry on business.
- 12.1.3 That the persons therein named are the only members of the partnership.
- 12.1.4 The mailing address of the partnership.

13 Licence - Corporation

- 13.1 Every corporation applying for a licence under this by-law shall file with its application a copy of its articles of incorporation or other incorporating document and a statutory declaration, in writing, signed by an officer of the corporation, which declaration shall state:
- 13.1.1 The full name of every officer, director and shareholder of the corporation and the address of each officer's, director's and shareholder's ordinary residence.
- 13.1.2 The name or names under which the corporation carries on or intends to carry on business.
- 13.1.3 That the persons therein named are the only officers, directors and shareholders of the corporation.
- 13.1.4 The mailing address for the corporation.

14 Hearing

- 14.1 Where the Clerk or an Officer refuses to issue, suspends, revokes or cancels a licence pursuant to this by-law, the applicant or licensee, as the case may be, shall be entitled to request a hearing of the matter by Council or a Committee of Council. Such a request must be delivered to the Clerk within fifteen (15) days of the notification by the Clerk or Officer of the refusal to issue, suspension, revocation or cancellation of a licence, failing which the refusal to issue, suspension, revocation or cancellation is final.
- 14.2 Upon receipt of a request for a hearing, Council, or a Committee of Council designated by Council, shall conduct a hearing and either confirm the refusal to issue, suspension, revocation or cancellation of the Clerk or Officer or direct the issuance or reinstatement of a licence upon such terms and conditions as Council or the Committee of Council shall deem advisable.

15 Inspections of Premises

- 15.1 The Clerk or his/her designate or an Officer may, during normal business hours, inspect the licensed business premises of the owner or operator of a pet shop and the equipment and other items used or kept for hire in the carrying on of the business.

16 Regulations - Pet Shops

- 16.1 No owner or operator of a pet shop shall keep or sell any animal prohibited by any by-law of the Town of Orangeville.
- 16.2 Every owner of a pet shop shall comply with and ensure compliance with the following requirements in the operation of the pet shop:
- 16.2.1 The pet shop shall be maintained in a sanitary, well-ventilated, clean condition, and free from avoidable odours.
- 16.2.2 Every animal shall be kept in sanitary, well-bedded, appropriate lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type of species of animal housed therein.
- 16.2.3 All cages, tanks, containers or other enclosures in which animals are housed on the premises shall be 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 and to prevent undue direct physical contact with such animals by the general public.
- 16.2.4 Where the quarters used for the housing of any animal form part of or are physically attached to a building used for human habitation or to which the public have access, such quarters shall have a concrete or other impermeable floor with a drain opening hooked to a sanitary system, and such floor shall be thoroughly cleaned and washed with a proper disinfectant / water solution at least once each day, or more often than once if necessary to keep the said floor clean.
- 16.2.5 Every cage or other container used for the keeping or housing of any animal other than fish shall:
- 16.2.5.1 Be of adequate size to permit any such animal or bird to stand normally to its full height, to turn around, and to lie down in a fully extended position.

- 16.2.5.2 In the case of all other cages or containers, have a floor construction of non-porous material that can be easily cleaned and disinfected and allow for the proper comfort of the animals. Such floor shall be of sufficient strength to support the weight of any such animal.
 - 16.2.5.3 Be equipped with receptacles of non-porous material that can be easily cleaned and disinfected for food and for water, so mounted or situated that they cannot be easily overturned or contaminated.
 - 16.2.5.4 Water shall be provided daily to every animal in sufficient quantity to maintain at all times a potable supply available to such bird or animal.
 - 16.2.5.5 Animals shall be fed periodically each day or in accordance with the particular food requirements of each type or species of animal kept in the said pet shop.
 - 16.2.5.6 Light in the premises shall be appropriate for the species kept there.
 - 16.2.5.7 Each cage containing birds shall 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 and perching material of different sizes and textures to prevent foot damage.
- 16.3 The owner of the pet shop shall ensure that all persons responsible for the care, feeding or cleaning of animals are adequately instructed and supervised in the handling and care of all such animals.
- 16.4 No owner of a pet shop shall:
- 16.4.1 Keep the stock of animals in crowded quarters or cages. Cages shall be of sufficient size as defined in Section 16.2.5.1 of this by-law.
 - 16.4.2 Negligently sell any diseased animal. Any one of the following inflictions shall render an animal unfit for sale or release:
 - 16.4.2.1 Incubating or suffering from any infectious disease.
 - 16.4.2.2 Nutritional deficiencies, including rickets or emaciation.
 - 16.4.2.3 Untreated internal or external parasites.
 - 16.4.2.4 Fractures or congenital abnormalities affecting the general health of the animal.
 - 16.4.2.5 Display any animal or bird in a shop or display window except at the rear of such window out of draughts and rays of the sun.
- 16.5 Every owner of a pet shop shall ensure that:
- 16.5.1 All reasonable precautions are taken to prevent and control the spread of infectious or contagious diseases among the animals housed therein.

- 16.5.2 Any animal indicating signs of sickness or disease is examined and appropriately treated within twenty-four (24) hours of the 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. Where a veterinarian has identified that an animal is carrying an infectious disease as set out in Section 16.4.2.1 of this by-law, the owner shall notify the purchasers of any previous health concerns and/or medical history as it applies to their purchased animal. The owner or operator of a pet shop and the staff of the pet shop are prohibited from performing euthanasia on any animals. Euthanasia, if required, must be performed in a humane manner by a licensed veterinarian.
- 16.5.3 Appropriate steps are taken to ensure the protection of the animals housed in the pet shop in case of fire.
- 16.6 No owner of a pet shop shall negligently sell, permit to be sold, offer for sale or give away:
- 16.6.1 Any dog under the age of eight (8) weeks.
- 16.6.2 Any cat under the age of eight (8) weeks.
- 16.6.3 Any species of animal other than a dog or cat, except in accordance with the minimum age requirements of the particular species, as determined by an Officer.
- 16.7 Incompatible animals of different species shall not be confined or displayed in the same cage.
- 16.8 Stray or abandoned animals received at a pet shop shall be forwarded within 24 hours to the contracted animal control service provider for the Town at no cost. A pet store may take an animal surrendered by the owner of the animal, and may sell that animal. Surrendered animals received at the pet shop must be logged in with full owner identification.
- 16.9 Every owner of a pet shop shall keep a register in which shall be entered a record of each animal or batch of rodents, excluding fish, purchased or otherwise obtained. 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 21 of this By-law, together with the name, address and description of the person from whom it was purchased or otherwise obtained.
- 16.10 Every owner of a pet shop shall ensure that the register referred to in Section 16.9 of this by-law is not mutilated or destroyed and shall keep it open for inspection by the Clerk or an 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. The owner shall not be responsible for neglecting to make the necessary entries in the said register while it is removed from the premises for inspection or for use in Court. The owner shall retain the register in respect of each such transaction for the period of twenty four (24) months thereafter.
- 16.11 An owner shall ensure that whenever they are absent from the pet shop or from the part of the premises used for the keeping or housing of animals, there is an attendant in charge of and responsible for the care and safe keeping of the owner's pet stock. After hours, in case of an emergency situation, a name of a contact person should be provided to the Clerk.
- 16.12 No owner of a pet shop shall keep upon the said premises, sell or permit the sale of any chick, duckling, live poultry, other livestock, or any other animal as set out in Schedule "B" (Prohibited Animals) attached hereto and forming a part of this by-law.

17 Offence and Penalties

- 17.1 Any person who contravenes any provision of this by-law or is party to such contravention commits an offence under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 17.2 Notwithstanding Section 17.1 of this by-law, every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000 exclusive of costs.
- 17.3 Notwithstanding Section 17.2 of this by-law, a corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine not exceeding \$50,000.
- 17.4 The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person convicted.
- 17.5 If any part of a fine for a contravention of this by-law remains unpaid after the fine becomes due and payable under Section 66 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, including any extension of time for payment ordered under that Section, the Treasurer for the Town or his agent may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than twenty-one (21) days after the date of the notice, by delivering the notice or causing it to be delivered to that person at the person's residence or place of business.
- 17.6 If the fine referred to in Section 17.5 of this by-law remains unpaid after the final date specified in the notice, the fine shall be deemed to be unpaid taxes for the purposes of Section 351 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

18 Severability - Validity

- 18.1 Each and every one of the provisions of this by-law is severable and if any provision of this by-law should for any reason be declared invalid by any court, it is the intention and desire of Council that each and every one of the then remaining provisions hereof shall remain in full force and effect.

Read three times and finally passed in open Council this 7th day of November, 2005.

Signed by D. Brown

D. Brown, Mayor

Signed by C. Johns

C. Johns, Clerk

Schedule "A"

Licence Fee Schedule

| | |
|------------------------------|----------|
| Original Licence | \$100.00 |
| Change of Business Ownership | \$100.00 |
| Annual Renewal | \$ 50.00 |

Schedule "B"

Prohibited Animals

In the class mammalia

1. Artiodactyla (such as cattle, goats, sheep, pigs)
2. Non-Human Primates (such as Gorillas and Chimpanzee)
3. Marsupials (such as Kangaroos, Opossums, Koalas, Wallabies)
4. Proboscidea (Elephants)
5. Perissodactyla (example horses, ass)
6. Pinnipedia (example seals and walruses)
7. Dermoptera (example flying lemurs)
8. Edentata (such as Anteaters, Sloths, and Armadillos)
9. Monotremata (example platypus)
10. Pholidota (example pangolins, scaly anteaters)
11. Cetacea (example whales)
12. Tubulidentata (example aardvark)
13. Hyracoidea (example hyrax)
14. Sirenia (example manatee)
15. Camelidae (example camel)
16. Carnivora (foxes, bears, mongooses, hyenas, seals, walruses) except the following species:
 - a. Felis catus (domestic cat);
 - b. Canis familiaris (domestic dog); and
 - c. Putorius furo (domestic ferret).

In the class of reptilia

1. Rhynchocephalia (tuatara)
2. Crocodilia (alligator, crocodiles, gavials)
3. Helodermatidae
4. The following families in the Order Ophidia (snakes)
 - a. Elapidae (example cobra, mamba, krait);
 - b. Hydrophidae (sea snakes);
 - c. Viperidae (old world vipers);
 - d. Crotalidae (pit vipers); and
 - e. Boidae (boas, pythons).

In the class arachnida

1. Scorpiones (scorpions)
2. Pseudoscorpiones
3. Solifugae
4. Non-indigenous Araneae (spiders)

In the class aves

1. Anseriformes (such as ducks, geese, swans, screamers)
2. Galliformes (such as pheasants, grouse, guineafowls, turkeys)
3. Struthioniformes (such as ostriches, rheas, cassowaries, emus, kiwis)
4. Strigiformes (owls)
5. Falconiformes (example osprey, vulture, falcons, hawks, eagles)

Examples of animals of a particular prohibited group are given in parentheses. They are only examples and shall not be construed as limiting the generality of the group.



Town of Orangeville
87 Broadway, Orangeville, On, L9W 1K1
clerksdept@orangeville.ca Phone: (519) 941-0440

Application for Pet Shop Licence
By-Law Number 95-2005

| | | |
|--|---------------------------------|----------------------|
| Date of Application: | (For Office Use Only) Licence # | |
| Application Type | | |
| <input type="checkbox"/> New \$100.00 <input type="checkbox"/> Renewal \$50.00 <input type="checkbox"/> Change of Business Ownership \$100.00 | | |
| Company/Business Name: | | |
| Name of Applicant: | | |
| Present Address: | Postal Code: | |
| Email Address: | Phone: | |
| Name of Emergency Contact – After Hours | Phone: | |
| Licensee Information | | |
| Name:: | | |
| Present Address: | Postal Code: | |
| Email Address: | Phone: | |
| Owner of Building/Premises (in which business is located) | | |
| Name: | | |
| Present Address: | Postal Code: | |
| Phone: | | |
| Attach the Following: | | |
| Partnership: (See Section 12 of Pet Shop By-law) | | |
| <input type="checkbox"/> Statutory Declaration <input type="checkbox"/> Licence Fee | | |
| Corporation: (See Section 13 of Pet Shop By-law) | | |
| <input type="checkbox"/> Statutory Declaration <input type="checkbox"/> Licence Fee <input type="checkbox"/> Incorporation Documents | | |
| The undersigned hereby releases the Corporation of the Town of Orangeville from any or all claims for damages which may arise in the carrying on of business within the Municipality under which the undersigned is licensed by the Municipality to do so. | | |
| I certify that the information contained herein is true and correct. | | |
| Date: | Signature: | |
| Department Approvals | Approved by | Date Approved |
| By-law Dept | | |
| Planning Dept | | |
| Clerks Dept | | |
| Personal information collected on this form is collected pursuant to Section 151, Municipal Act S.O. 2001, c.25, as amended, and will be used for the purpose of processing your application. Questions about this collection should be directed to clerksdept@orangeville.ca or 519-941-0440. | | |