

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 064-2020

A By-law of the Corporation of the City of Vaughan to amend the Licensing By-law 315-2005, as amended.

WHEREAS section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be interpreted broadly as to confer broad authority on the municipality to enable it to govern its affairs as it considers appropriate, and to enhance its ability to respond to municipal issues;

AND WHEREAS section 11(3) and Part V of the Municipal Act, 2001, provides that a municipality may pass by-laws respecting business licensing;

AND WHEREAS section 151 of the Municipal Act, 2001, provides that a municipality may provide a system of licenses with respect to businesses;

AND WHEREAS the Council of The Corporation of the City of Vaughan has determined that it is desirable to license commercial dog walkers to control nuisances and protect consumers, and to impose additional regulations on pet shops, kennels and pet grooming establishments;

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Licensing By-law 315-2005, be amended as follows:

(a) Add the following definition to Section 2.1:

“Commercial Dog Walker” means a person who walks dogs for compensation;

(b) Create a new Section in numerical sequence:

31.0 Commercial Dog Walkers

(1) In addition to the requirements set out in Part 4.3, every application for a *Commercial Dog Walker Licence* and every renewal of such *Licence(s)* shall be accompanied by the following:

(a) proof, satisfactory to the *Director*, that the *Applicant* is at least 19 years of age, which shall be evidenced by the

- production of one piece of Canadian federally or provincially issued photo identification;
- (b) a complete Police Criminal Records Check issued by an Ontario Police Service, dated not more than ninety (90) days prior to the date application for the *Applicant*, and each employee of the *Applicant*;
 - (c) proof of insurance by way of certificate of insurance showing a minimum limit of two million dollars (\$2,000,000) in commercial general liability insurance coverage;
 - (d) information on *Commercial Dog Walker's* vehicle(s) used for transport of *Dogs*.
- (2) Every *Commercial Dog Walker* shall ensure that every *Dog* in his or her custody wears a valid municipal licence tag, as required, or other visible identification with its owner's contact information.
- (3) Every *Commercial Dog Walker* shall ensure that every *Dog* in his or her custody has a valid vaccination status for rabies, canine distemper, canine adenovirus type 2, canine parvovirus and canine parainfluenza.
- (4) Every *Commercial Dog Walker* shall display his or her *Licence* on his or her person in a visible manner at all times while conducting business.
- (c) Amend Schedule I by adding the following in numerical sequence:

Commercial Dog Walkers

3.A. If an *Applicant* has:

- 1) Any code 01 conviction;
- 2) Any code 02 conviction within the last ten (10) years;
- 3) Any code 03 conviction within the last seven (7) years;
- 4) Two or more code 03 convictions within the last then (10) years;
- 5) Any code 04 conviction within the last three (3) years;

- 6) Two or more code 04 convictions within the last five (5) years;
- 7) Any code 05 conviction within the last year;
- 8) Any code 08 convictions;
- 9) Six (6) or more by-law related* convictions within the last year concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or were required to be licensed;
- 10) Four (4) or more by-law related* convictions within the twelve (12) months immediately preceding the date of issuance; or
- 11) Overdue by-law fines, unless the *Applicant* or *Licensee* provides proof that such fines have been subsequently paid despite the application being complete and all fees paid, the *Chief Licensing Officer* shall refuse to issue or renew a *Licence*. In the case of an existing *Licence*, the *Chief Licensing Officer* shall suspend the *Licence*.

3.B. The *Chief Licensing Officer* shall issue, renew or reinstate a *Licence*, if at the time of the application for a *Licence* or renewal, the conviction or event has reached the age set out below:

- 1) The code 01 conviction is more than ten (10) years old;
- 2) If the *Licence* was not issued because of a single code 02 conviction, when that conviction becomes more than ten (10) years old;
- 3) If the *Licence* was not issued because of a single code 03 conviction, when that conviction becomes more than seven (7) years old;

- 4) If the *Licence* was not issued because of two (2) or more code 03 convictions, when two of those convictions become more than ten (10) years old;
- 5) If the *Licence* was not issued because of a single code 04 conviction, when that conviction is more than three (3) years old;
- 6) If the *Licence* was not issued because of two (2) or more code 04 convictions, when at least two (2) of those convictions are more than five (5) years old;
- 7) If the *Licence* was not issued because of a single code 05 conviction, when that conviction is more than a year old;
- 8) If the *Licence* was not issued because of six (6) or more by-law related* convictions under Sentence 2.A., when six (6) of those convictions are more than a year old;
- 9) If the *Licence* was not issued because of four (4) or more by-law related* convictions under Sentence 2.A., when four (4) of those convictions are more than a year old; and
- 10) If the *Licence* was not issued because overdue by-law fines, when those fines have been paid.

3.C. The *Chief Licensing Officer* may place conditions and issue a warning letter on a license if an investigation of a licensee reveals circumstances that may in the future cause the licensee to be in contravention of any of the business licensing thresholds listed in Schedule I of the Licensing By-law;

3.D. The *Chief Licensing Officer* may issue a warning letter to be placed in an *Applicant's* file if, at the time of an application for a *Licence* or renewal, the *Applicant* has:

- 1) Four (4) or more by-law and related* convictions concerning the licensed business or individual, or any other of the individual's businesses that are licensed or are required to be licensed, or any of the individual's prior businesses that were licensed or required to be licensed, within the twelve (12) months immediately preceding the date of issuance or renewal.

The warning letter must advise the *Applicant* about the specific applicable threshold.

*The Director, in his or her sole discretion, may determine whether a conviction is a related conviction.

- (d) Amend Schedule I by adding the following in numerical sequence:

Pet Shops, Kennels and Pet Grooming Establishments.

4.A. If an *Applicant* has:

- 1) Any code 08 conviction;
despite the application being complete and all fees paid, the *Chief Licensing Officer* shall refuse to issue or renew a *Licence*. In the case of an existing *Licence*, the Licensing Officer shall suspend the license.

4.C. The *Chief Licensing Officer* may place conditions and issue a warning letter on a *Licence* if an investigation of a licensee reveals circumstances that may in the future cause the licensee to be in contravention of any of the business licensing thresholds listed;

4.D. The *Chief Licensing Officer* may issue a warning letter to be placed in an *Applicant's* file if, at the time of an application for a *Licence* or renewal, the *Applicant* has:

- 1) Four (4) or more by-law and related* convictions

concerning the licensed business or individual, or
any other of the individual’s businesses that are
licensed or are required to be licensed, or any of
the individual’s prior businesses that were licensed
or required to be licensed, within the twelve (12)
months immediately preceding the date of
issuance or renewal.

The warning letter must advise the *Applicant* about the specific
applicable threshold.

* The Director, in his or her sole discretion, may determine whether
a conviction is a related conviction.

(e) Amend Schedule I by deleting the table Criminal Code Offences
and replace it with following:

Criminal Code Offences	Description	Code
Sexual Offences (minors)	Interference, invitation, exploitation, procuring sexual activity (parent or guardian), permitting sexual activity (householder) corrupting children, luring a child, exposure, incest (with minor)	01
Terrorism	Providing, collecting property, using, possessing property, providing, making available property	02
Homicide	Homicide, manslaughter, infanticide, murder, attempt to commit, accessory	02
Major Assault and Sexual Assault Offences	Sexual assault with a weapon, causing bodily harm, aggravated assault with weapon, causing bodily harm	02
Sexual Offences (against person other than minor)	Exploitation of persons with a disability, incest, indecent act, sexual assault	03
Confinement	Kidnapping, hostage taking, abduction	03
Hate Propaganda	Advocating genocide, public incitement of hatred	03
Robbery, extortion	All offences	03
Criminal Organization	Participating in activities of	03
Criminal negligence	Criminal negligence, causing death, causing bodily harm	04
Assault	Assault of a peace officer	04
Noxious thing, poison	Administering to harm	04
Harassments, threats	Criminal harassment, uttering threats	04
Explosives	Using, possession	04
Weapons	Possession, carrying trafficking	04

Firearms	Using in commission of offence, careless use, pointing, possession, acquisition without certificate, causing bodily harm with intent, (firearm, air gun or pistol)	04
Theft Offences	All offences	04
Forgery offences	All offences	04
Traps	Setting	05
Break and Enter	Break and enter	04
Crime – possession of property	Possession of property obtained by crime	04
Fraud	Fraud offences, falsifying documents	04
Arson	All offences	04
Counterfeit money	Uttering, advertising, dealing	04
Proceeds of Crime	Laundering	04
Noxious thing, poison	Administering to annoy, to aggrieve	05
Mischief	Mischief	05
Conspiracy	Conspiracy to commit an indictable offence	05
Prostitution	Offences related to	05
Bawdy houses	Keeping, transporting person to, procuring	05
Operation of motor vehicles, vessels or aircraft	Dangerous operation, failing to stop for police, failure to stop at scene of accident, operation while impaired, operation with more than 80 milligrams of alcohol in blood, driving while disqualified	06
Other	All other Criminal Code Convictions (Including Assault – section 266)	07
Animal cruelty	Killing, injuring or endangering animals, causing unnecessary suffering to animals, failure to exercise reasonable care of an animal, participation in fighting or baiting of animals.	08

(f) Amend Schedule B by adding the following lines in alphabetical order:

CLASSES OF BUSINESS LICENSES	2020		2021		HST
	INITIAL FEE	RENEWAL FEE	INITIAL FEE	RENEWAL FEE	
Commercial Dog Walker Licence	\$ 150	\$ 150	\$ 155	\$ 155	E
Commercial Dog Walking Licence – cost per additional dog walker working for a licensed Commercial Dog Walker	\$ 25	\$ 25	\$ 26	\$ 26	E

(g) Amend Part 19.3 by adding following sections in numerical order:

(7) Every *Kennel, Pet Grooming Establishment or Pet Shop* shall have sufficient number of employees competent in the care of animals to properly care for every animal in such premises.

- (8) Every *Kennel* or *Pet Grooming Establishment* shall ensure all pets kept in their premises have current municipal *Licences* and wear tags at all times.
- (9) Every *Kennel*, *Pet Grooming Establishment* or *Pet Shop* shall keep appropriate records on animals, which shall be provided to *Animal Control Officers* in case of inspection.
Such records include:
 - (a) owner's information;
 - (b) emergency contacts;
 - (c) information on animals, including vaccination records;
Pet Shops shall also have records on sources of animals and proof of sterilization;
 - (d) dates of animal's arrival(s) and departure(s).
- (10) Every *Kennel*, *Pet Grooming Establishment* or *Pet Shop* shall ensure that all enclosures their premises have durable and impervious surfaces.
- (11) Every *Kennel*, *Pet Grooming Establishment* or *Pet Shop* shall ensure that all enclosures in their premises have species-appropriate temperatures.
- (12) Every *Kennel*, *Pet Grooming Establishment* or *Pet Shop* shall ensure that their personnel are competent in animal care and have knowledge of characteristics, care and handling of the animals.
- (13) Every *Kennel*, *Pet Grooming Establishment* or *Pet Shop* shall keep posted in conspicuous places instructions for handling of emergency situations.
- (14) Every *Pet Grooming Establishment* shall ensure that:
 - (a) all *Dogs* kept in its *Premises* have valid vaccination status for rabies, canine distemper, canine adenovirus type 2, canine parvovirus, and canine parainfluenza.
 - (b) all *Cats* kept in its *Premises* have valid vaccination

status for rabies, Feline Viral Rhinotracheitis,
Calicivirus and Panleukopenia.

(15) No *Pet Shop* shall:

- a) offer *Dogs* or *Cats* for adoption or sale unless the animal has been spayed or neutered and has valid rabies vaccination status;
- b) offer *Dogs* for adoption or sale unless they have valid vaccination status for canine distemper, canine adenovirus type 2, canine parvovirus, and canine parainfluenza;
- c) offer *Cats* for adoption or sale unless they have valid vaccination status for Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia.

(e) Amend Part 19.4 by adding following sections in numerical order:

- (4) Every *Kennel* shall not keep more than one animal in the same enclosure without prior consent of the owner.
- (5) Every *Kennel*, *Pet Grooming Establishment* or *Pet Shop* shall isolate animals from other animals and people in case of suspected or confirmed contagious diseases.
- (6) Every *Kennel* or *Pet Grooming Establishment* shall ensure that any area containing *Dogs* is secured and closed at all times.

(f) Delete subsection f) Section (1) of Part 19.0 and replace it with the following:

- f) A complete Police Criminal Records Check issued by an Ontario Police Service for every owner.

(g) Delete Section (1) of Section 19.1 and replace it with the following:

19.1 PET GROOMING ESTABLISHMENT OR PET SHOPS

- (1) In addition to the requirements set out in Section 4.3, every application for a *Licence* for a *Pet Grooming Establishment* or *Pet Shop* and every renewal of such *Licence(s)* shall be accompanied by the following:
- a) Clearance from Animal Services, after having conducted an inspection of the premises, that confirms compliance with the provisions of this By-law;
 - b) A site plan drawn to scale showing:
 - i) the location of all buildings or structures on the subject property, including the location of all buildings, structures, dogruns or facilities to be used by the *Pet Grooming Establishments* or *Pet Shops*; and
 - ii) the distance that separates the facility from all property lines and all buildings including any residential buildings situated on adjacent properties;
 - c) A complete Police Criminal Records Check issued by an Ontario Police Service for every owner indicating that there have been no convictions under section 445 or 446 of the Criminal Code of Canada, pertaining to animal cruelty;
 - d) Proof of insurance by way of certificate of insurance showing a minimum limit of two million (\$2,000,000) dollars in commercial general liability;
 - e) For initial *Licence* application purposes only, clearance from the York Region District Health Unit or such other agency or department responsible for public health, septic system approvals and/or sewage system approvals, as applicable.

Enacted by City of Vaughan Council this 27th day of May, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 5 of Report No. 17
of the Committee of the Whole
Adopted by Vaughan City Council on
April 21, 2020.