

The Corporation of the Town of Minto

By-Law 2016-98

to amend By-law 2016-31, a by-law to Regulate and License the Keeping of Dogs and Dog Kennels in the Town of Minto

WHEREAS Section 2 of the Municipal Act, 2001, S.O. 2001, c.25 as amended (hereinafter called “the Act”) provides that municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and that each municipality is given powers and duties under the Act and many other Acts for purposes which include, among other things, fostering the current and future social and environmental well-being of the municipality;

AND WHEREAS under Section 8 of the Act provides that the Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues, and Section 9 of the Act states that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act or under any other Act;

AND WHEREAS under subsection 11(3) of the Act the Corporation of the Town of Minto may pass by-laws within the “Animals” sphere of jurisdiction and subsection 8(3) of the Act provides that a by-law under Section 11 respecting a matter may regulate or prohibit respecting the matter;

AND WHEREAS the Town of Minto wishes to provide an exemption amendment to By-law 2016-31 that will allow a person to apply to Council for an exemption to the minimum lot size requirement of 10 ac and the minimum distance to adjacent receptors

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

THAT Section F. Kennels be amended to include the following:

15) Grant of Exemption by Council

a) Application to Municipality

Notwithstanding anything contained in this By-law, any person may make application, in writing, to Council to be granted an exemption from the required lot size or the required distance from an adjacent property owner’s habitable building or buildings for the keeping of livestock of this By-law. Council may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted may contain such terms and conditions as in the opinion of Council maintains the general intent of the by-law.

b) Details of Application for Exemption

The application mentioned in subsection (a) shall be made in writing to the Clerk’s Office, at least 10 business days prior to the Council meeting at which the request for exemption is to be addressed by Council, and shall contain:

- i) the name, address and telephone number of the applicant;
- ii) a statement of the particular provision or provisions of this By-law from which exemption is sought;
- iii) the reasons why the exemption should be granted;
- iv) a statement of the steps, if any, planned or presently being taken to meet the intent of the By-law.

c) Decision

In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the applications the opportunity to be heard and may consider such other matters as it deems appropriate.

A letter shall be sent to all residents that reside within 61 metres (200 feet) of the property lines.

Once an exemption is granted, the applicant will be required to submit an application for zoning relief, apply for a kennel license and pay all applicable fees.

d) Breach

A breach of any of the terms or conditions of an exemption granted by the Municipality that is caused or permitted by the applicant shall render the exemption null and void.

Read a first, second, third time and finally passed in open Council this 20th day of December 2016.

Mayor – George Bridge

C.A.O. Clerk – Bill White