

# The Corporation of the Municipality of Brockton



## By-Law 2019-059

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Being a By-Law to Provide for the Regulation, Restriction, Keeping and Licensing of Dogs Including the Proper Installation and Maintenance of Kennels in the Municipality of Brockton.

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**Whereas** Subsection 11(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides authority for lower tier municipalities to pass By-Laws to regulate animals;

**And Whereas** Sections 103 and 105 of the *Municipal Act, 2001* provide authority in respect of the seizure and impounding of dogs found running at large and the muzzling of dogs in the Municipality;

**And Whereas** The Corporation of the Municipality of Brockton (the "Municipality") deems it desirable to prohibit the running at large of dogs in the Municipality, to implement provisions for the proper installation and maintenance of kennels and to appoint an Animal Control Officer to carry out the enforcement thereof in order to promote reasonable and safe care of the dogs in the Municipality;

**And Whereas** Subsection 391(1) of the *Municipal Act, 2001* authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**And Whereas** Section 20 of the *Animals for Research Act, RSO 1990, Chapter A.22*, as amended, details the terms and conditions under which a municipal pound may impound a dog or require a dog to be destroyed.

**And Whereas** Section 2 of the *Livestock, Poultry and Honey Bee Protection Act, R.S.O. 1990, Chapter L.24*, as amended, allows any person to kill a dog that is found killing or injuring livestock or poultry.

**And Whereas** the Council of the Corporation of the Municipality of Brockton is desirous of prohibiting cruelty to animals as well as maintaining control over dogs from running at large within the municipality.

**Now Therefore** the Council of The Corporation of the Municipality of Brockton hereby **Enacts as Follows:**

**1.0 Definitions for the Purposes of this By-Law:**

- 1.1 "Animal Control Officer" means a person or persons duly appointed by the Council of The Corporation of the Municipality of Brockton to enforce the provisions of this By-Law and includes any police officer appointed pursuant to the *Police Services Act*.
- 1.2 "At Large", in the context of dogs shall mean to be found in a place other than the premises of the owner of the dog and not under the control of the owner of the dog or other competent person authorized by the owner to have control. 'Run at Large or Running At Large' shall have the same meaning under this By-Law.
- 1.3 "Commercial Breeding/Boarding Kennel" means a place or confine where more than three (3) purebred dogs are habitually kept, bred and raised for sale to the general public or where more than three (3) dogs are bred or raised as a recognized class, or as

a class designated as “purebred” in the regulations of the Canadian Kennel Club Inc. or other accredited Kennel Club for sale to the general public.

- 1.4 "Dangerous Dog" means a dog that
- a) has, in the absence of any mitigating factor, (exceptions may be made by the if the dog was teased, abused, assaulted or if the dog was reacting to a person trespassing on the property owned by the dog's owner ) attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
  - (b) has significantly injured a domestic or farm animal; or
  - (c) has shown the disposition or tendency to be threatening or aggressive to persons or animals
  - (d) has been previously designated as a potentially dangerous dog, is kept or permitted to be kept in violation of the requirements for such dog;
- 1.5 "Dog" means any male or female domesticated dog, or any member of the species *Canis familiaris*.
- 1.6 "Dog tag" means a metal piece furnished by the Municipality of Brockton that bears an identification number and is suitable to be securely fixed on an animal for the purpose of identification. Such tag is received upon registration of a dog and payment of the appropriate fee.
- 1.7 "Guide Dog" means a dog that is trained to aid persons with disabilities and is actively in use for such purposes;
- 1.8 "Kennel" means a place where a minimum of three (3) are housed, groomed, boarded, bred, trained, sold or kept for hunting or other specific work and which is licensed by the Municipality under the provisions of the Municipal Act, and in accordance with the Code of Practice for Canadian Kennel Operations, Canadian Veterinary Medical Association, Second Edition, May 2007".
- 1.9 "Kennel Licence" means a certificate issued by the Clerk or designate of the Municipality upon fulfilling the requirements of the By-Law and by payment of the appropriate fee.
- 1.10 "License" means a license that has been issued and paid for the current licensing year.
- 1.11 "Muzzle" means a fastening or covering devise of adequate strength over the mouth to prevent a dog from biting.
- 1.12 "Municipality" means The Corporation of the Municipality of Brockton or employee thereof
- 1.13 "Owner" means any owner of a dog as identified on the dog license, including a person, partnership, association or corporation that owns, possesses or has control, care or custody over a dog and, where the owner is a minor, the person responsible for the custody of the minor.
- 1.14 "Peace Officer" means:
- (a) a police officer, including a police officer within the meaning of the Police Services Act, a special constable, a First Nations Constable and an auxiliary member of a police force;
  - (b) a municipal law enforcement officer;
  - (c) an inspector or agent under the Ontario Society for the Prevention of Cruelty to Animals Act; or
  - (d) a public officer designated as a peace officer for the purposes of the Dog Owner's Liability Act.
- 1.15 "Person" means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

- 1.16 "Pit-Bull" means:
- (a) a pit bull terrier;
  - (b) a Staffordshire bull terrier;
  - (c) an American Staffordshire bull terrier;
  - (d) an American pit bull terrier; or
  - (e) A dog that has an appearance and physical characteristics that are substantially similar to any of those dogs.
- 1.17 "Police Work Dog" means a dog trained to aid law enforcement officers and which dog is actually being used for police work.
- 1.18 "Pound" means the premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to this By-Law or the Dog Owners Liability Act.
- 1.19 "Poundkeeper" means the owner, operator or person(s) acting on behalf of the owner or operator of the facility identified by the Municipality as providing pound services for the Municipality.
- 1.20 "Purebred" means bred from stock having no admixture as certified by a competent certification authority
- 1.21 "Registration" means the Municipality will maintain a dog tag registry containing current details on the animal and issue yearly invoices for such registry.
- 1.22 "Rural Residential Cluster" means four or more adjacent rural lots generally one hectare or less in size sharing a common continuous boundary. Lots located directly across a road from one another shall be considered as having a common boundary.
- 1.23 "Urban Residential Zone" means the residential zones included in the Brockton Comprehensive Zoning By-Law including, Walkerton, Chepstow, Cargill and Elmwood.

## **2.0 Animal Control Officer**

- 2.1 Council shall, by By-Law, appoint an Animal Control Officer whose duties it shall be to:
- 2.1.1 On occasion Issue dog tags upon registration in accordance with the provisions of this By-Law.
  - 2.1.2 On occasion collect Kennel Licence and registration fees in accordance with the Consolidated Fees By-Law.
  - 2.1.3 Assist in the prosecution of any contravention of this By-Law.
  - 2.1.4 Assist with the upkeep an accurate dog tag registry pursuant to this By-Law and such records must show the dog owner's name and address and the serial number of the dog tag.
  - 2.1.5 Report to Council and/or the Police Services Board, if requested on all matters relating to this By-Law or at such shorter intervals as requested by Council.
  - 2.1.6 Inspect kennels registered in the Municipality if and when required to ensure compliance with this By-Law.
  - 2.1.7 Administer and implement the provisions of this By-Law.
- 2.2 Any duties contained in Sections 2.1 of this By-Law may also be performed by the Clerk of the Municipality or any staff member acting under the Clerk's direction.
- 2.3 Council may, by By-Law, appoint a person as a Relief By-Law Enforcement/Small Animal Control Officer whose duty shall be to perform the duties of the Animal Control Officer during the absence of the Animal Control Officer. The Relief By-Law Enforcement/Small Animal Control Officer shall have the same duties as are herein set forth for the Animal

Control Officer.

### **3.0 Dog Tags, Licencing and Registration**

- 3.1 No person shall own, possess or harbor an unlicensed dog within the Municipality.
- 3.2 No owner shall keep or permit to be kept more than three (3) dogs at any one time, per dwelling unit, location or residence within the Municipality of Brockton, with exception of the following:
- (a) a licensed kennel
  - (b) an animal hospital/veterinary clinic
  - (c) a pet store
  - (d) a registered research facility or supply facility under the Animals for Research Act
  - (e) a pound
- 3.3 The owner of a dog in the Municipality of Brockton shall within one week after the dog comes into their possession cause the dog to be registered and licensed at the Municipal office for the Municipality of Brockton for the balance of the calendar year.
- 3.4 Every person who is the owner of a dog greater than six (6) months old at any point in the year shall, on or before the 1st day of April in each and every year (or immediately after the dog reaches six (6) months of age where that takes place after April 1st) cause such dog to be registered and shall procure a tag therefor. Such registration shall expire on the 31st day of December each year in which the same was issued.
- 3.5 Every owner of a dog shall cause a dog tag to be securely affixed on the dog at all times (until the tag needs replaced). The tag shall be supplied by the Municipality upon the payment of the registration fee as set out in the Consolidated Fees By-Law.
- 3.6 A dog tag shall bear the serial number and no person shall remove the tag from a registered dog unless the dog is being lawfully used for hunting purposes.
- 3.7 Where the owner of a dog has been issued a current tag and license under this By-Law, finds that the current tag has been lost, destroyed or mutilated, the owner may acquire, for the remainder of the license period, a replacement tag, upon producing proof of purchase of a valid license and upon payment of a fee as outlined in the Municipality's Consolidated Fee By-Law.
- 3.8 The dog license fees pursuant to this By-Law shall be those set out in the Municipality of Brockton Consolidated Fee By-Law.
- 3.9 Dog tags shall not be transferable and shall expire and become void upon the sale, death or other disposal of the dog.
- 3.10 The Municipality shall keep a record of all dogs registered and tagged showing the owners name and address, description of dog and tag number.
- 3.11 The Animal Control Officer in any given year as directed, may attend the entire Municipality or a section of the Municipality to bring the dog registry up to date.
- 3.12 Those dog owners listed on the register will be invoiced in January annually as per the fees prescribed by the Municipal Consolidated Fee By-Law. **On the death, sale or other disposal of the dog pursuant to s. 3.9, the tag shall be returned to the Municipality of Brockton prior to March 1 following the January invoices when the invoiced amount shall be cancelled. Any outstanding or late payments after March 1 shall be added to the final tax bill.**

### **4.0 Kennels**

#### **4.1 Commercial Breeding/Boarding Kennel**

- 4.1.1 Notwithstanding the provisions of section(s) 3.2, 3.3 and 3.4 of this By-Law an individual who qualifies to operate a Commercial Breeding/Boarding Kennel may keep under their care or allow to be boarded more than three (3) purebred dogs duly registered in the Register of the Canadian Kennel Club

Inc., American Kennel Club or other Accredited affiliation and in accordance with the Code of Practice for Canadian Kennel Operations, Canadian Veterinary Medical Association, Second Edition, May 2007.

- 4.1.2 The operator of a Commercial Breeding/Boarding Kennel shall pay an annual licence fee to the Municipality as outlined in the Municipality's Consolidated Fees By-Law. Upon application for a Commercial Breeding/Boarding Kennel licence the applicant must provide to the municipality written confirmation that all dogs kept within the kennel are purebred dogs and are registered with the Canadian Kennel Club Inc., American Kennel Club or other Accredited affiliation and in accordance with the Code of Practice for Canadian Kennel Operations, Canadian Veterinary Medical Association, Second Edition, May 2007".
- 4.1.3 Prior to any licence being issued by the municipality for a Commercial Breeding/Boarding Kennel the applicant must supply verification, satisfactory to the municipality, that the property where such kennel is to operate is designated under the municipality's comprehensive zoning By-Laws(s) to allow the operation of a commercial kennel and that the kennel complies with any requirements of the comprehensive zoning By-Laws(s) for the operation of a commercial kennel.
- 4.1.4 Commercial Breeding/Boarding Kennel licences shall only be issued where the property to be used for the kennel operations is not located within the urban residential zones or rural residential clusters as defined and in compliance with the Municipality's Comprehensive Zoning By-Law and no persons shall erect a Kennel, run, pen or exercise yard for dogs contrary to the provisions of said By-Law.
- 4.1.5 Notwithstanding the provisions of section 4.1.1 through 4.1.4 of this By-Law the following existing Commercial Breeding/Boarding Kennel located in the geographic area known as the former Ward of Walkerton is hereby allowed to continue to operate, subject to compliance with the provisions of this By-Law and the payment of a yearly fee:

(a) Diamond "T" Kennel – M.E. Taylor, 6 Jane Street, Walkerton

Once the individual identified above has ceased operating the kennel at the addresses identified above then there shall be no further Commercial Breeding/Boarding Kennel licences issued for the geographic area of the former Ward of Walkerton. In addition the licence issued for the above referenced individual at the above referenced address is non-transferable to another individual or company or to another property or address.

#### **4.2. Kennels - General**

- 4.2.1 Notwithstanding the provisions of section 4.1 of this By-Law an individual who owns more than three (3) dogs, that may or may not be purebred, at their place of residence but does not breed any of these dogs for sale to the public as a commercial undertaking shall apply and pay an annual licence fee to obtain a Kennel Licence from the municipality.
- 4.2.2 Kennel licences shall only be issued where the property to be used for the kennel operations is not located within the urban residential zones or rural residential clusters as defined and in compliance with the Municipality's Comprehensive Zoning By-Law and no persons shall erect a Kennel, run, pen or exercise yard for dogs contrary to the provisions of said By-Law
- 4.2.3 Every person who owns or operates a Kennel shall comply with the requirements set out in "A Code of Practice for Canadian Kennel Operations" Canadian Veterinary Medical Association, Second Edition. May 2007".
- 4.2.4 After giving notice in writing, the Municipality may at any time suspend or

revoke a Kennel licence for a failure by the holder thereof to comply with this By-Law. Such grounds for cancellation shall include but not be limited to unresolved problems of noise, sanitation, care of dogs, or uses other than permitted by the Kennel licence, as determined by the Municipality in its sole discretion.

- 4.2.5 The written notice described in 4.2.4 shall be delivered in person or mailed by prepaid registered mail to the registered owner of the Kennel.
- 4.2.6 No person shall operate or continue to operate a Kennel without a valid licence.
- 4.2.7 All Kennel licences shall be valid for one calendar year or applicable portion thereof.
- 4.2.8 Kennel licences shall only be issued by the Clerk of the Municipality or any staff member acting under the Clerk's direction.
- 4.2.9 The owner, operator or manager of a Kennel shall reside on the property on which the Kennel is located.

#### **4.3 Kennel Conditions**

- 4.3.1 Every person who applies for and receives a kennel license or operates Boarding/Breeding facilities for dogs shall comply with the following requirements:
  - (a) The kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation.
  - (b) The kennel building and its location shall conform to the zoning By-Law and the Ontario Building Code and the building shall be maintained in damage-free condition.
  - (c) The kennel building shall have a floor of concrete or other impermeable material, and shall have a drain opening constructed as a plumbing fixture.
  - (d) The kennel floor shall be thoroughly cleaned daily, or more often if necessary
  - (e) Any cage shall be adequately sized to allow the animal to extend its legs to their full extent, to stand, sit, turn around, or lie down in a fully extended position.
  - (f) Cages are to be constructed solely of metal, or wire, or partly of wire, and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often, if necessary.
  - (g) The kennel building shall have:
    - (i) electric lighting;
    - (ii) windows which may be opened for proper ventilation;
    - (iii) a heating system sufficient to adequately heat the building if required;
    - (iv) hot and cold running water; and
    - (v) a food preparation area.
  - (h) Where animals are permitted to use an outside area, there shall be constructed around such area, a chain link fence having a height of at least 2.6 metres (eight feet) the wall of an adjacent building may be included as part of such fenced-in area.
- 4.3.2 Every person who holds a kennel license or operates Boarding/Breeding facilities for dogs, shall comply with the following requirements:
  - (a) The license shall be exposed at all times in a conspicuous place in the interior of the premises.
  - (b) The premises shall be maintained in a sanitary, well ventilated, clean condition, and free from offensive odours.
  - (c) The animals shall be kept in sanitary, well bedded, well ventilated,

naturally lighted, clean quarters and a healthful temperature shall be maintained at all times.

- (d) The animals shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease.

4.3.3 The Animal Control Officer and any person designated may inspect any place where the dogs are kept, pursuant to this By-Law.

4.3.4 If the kennel is found not to conform, to the requirements set out herein, the Animal Control Officer may direct that the animals be seized and impounded and may revoke the license issued to the kennel as established in 4.2.4 and 4.2.5.

#### **4.4 Kennel Inspections**

4.4.1 Every person who holds a Kennel licence and the owner/operator of a Kennel shall at all reasonable hours, ensure the Kennel is open to inspection by the Animal Control Officer and/or the Ontario Society for the Prevention of Cruelty to Animals, Police Officer, any such other person as may be appointed by Council upon the production of proper identification, or any other person authorized to do so under any Provincial or Federal Legislation.

4.4.2 Every person who holds a Kennel licence or the owner/operator of a Kennel shall post the licence in a prominent place in the Kennel and shall, when so requested by the Animal Control Officer or any person authorized by the Municipality, produce such licence for inspection.

4.4.3 If, after a written request to be granted access to a Kennel as per Section 4.4.1 of this By-Law, an owner has not granted access to the Animal Control Officer, the Kennel licence may be suspended or revoked by the Municipality in its sole discretion.

4.4.4 Where the Animal Control Officer finds that the owner or operator of a Kennel does not comply with any regulation in this By-Law, he or she may direct that the animals at the Kennel be seized and impounded by the Pound-keeper.

#### **5.0 Pounds**

5.1 Council shall from time to time designate a place or places for the establishment, maintenance and operation of facilities for the impounding of domestic animals within the Municipality of Brockton which shall be identified as the Pound or Pounds. The Walkerton Hanover Veterinary Clinic has been established as the primary pound within the Municipality of Brockton.

5.2 Council shall from time to time appoint by resolution or By-Law, a Pound keeper to maintain and operate the Pound or Pounds established pursuant to this By-Law.

5.3 Any Pound keeper in charge of the Municipal Pound will impound and detain all dogs delivered to him/her by the Animal Control Officer and shall furnish them with sufficient food, water, shelter.

#### **6.0 Impounding**

6.1. The Animal Control Officer or Police Officer may seize and impound any dog which is found by him/her or identified to him/her to be at large within the Municipality.

6.2 The Animal Control Officer or Poundkeeper may, upon seizure and impoundment of the dog, inform the dog's owner, if known, that their dog has been seized and impounded.

6.3 Impounded dogs shall be kept in the Pound for a minimum period of seventy two (72) hours unless claimed by Owner.

6.4 If an impounded dog is not claimed within the three days of the day on which the animal was impounded, excluding the day it was impounded, Saturday, Sunday and

Statutory holidays, the Poundkeeper may, on the expiration of this period, destroy or place such animal up for adoption or sale.

- 6.5 Where a dog is seized or impounded it will not be released until pound and maintenance charges have been paid, plus any penalties that may be outstanding.
- 6.6 The Poundkeeper, upon receiving a certificate or other written verification from a qualified veterinarian that an impounded dog is suffering from infectious or contagious disease, or is seriously injured causing undue pain and suffering, may immediately, destroy that impounded dog.
- 6.7 The Poundkeeper or Animal Control Officer may, upon receipt of a dog delivered to him/her by a Peace Officer deal with that dog in the same manner as other dogs seized and retained by him/her pursuant to this By-Law.
- 6.8 The Poundkeeper shall maintain a log book, in which he/she shall record the description of every dog impounded, the name of the person who impounded the dog, the time and location of the impoundment, the fees owing and the manner in which the impounded dog has been disposed of.
- 6.9 The impoundment fees and maintenance fees for dogs, shall be those set out in agreement with the pound/poundkeeper.
- 6.10 No person shall keep, harbor or have in their possession any dog suffering from any infectious or contagious disease, unless such dog is in isolation and under treatment for the cure of such disease.
- 7.0 Dogs Running At Large**
- 7.1 No owner of a dog shall allow or permit such dog to Run at Large in the Municipality of Brockton. For the purpose of this By-Law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner, and not under the control of any person.
- 7.2 The Animal Control Officer may capture any dog Running at Large and cause it to be impounded or return same to its registered owner, in the sole discretion of the Animal Control Officer. Should the dog be returned to the Owner, a ticket may be issued to said Owner.
- 7.3 The Owner of every dog impounded, if known, and whether or not the dog is claimed by the Owner from the Pound, shall be liable for the payment of the Pound's fees as determined by the Poundkeeper and shall pay all fees on demand to the Pound-keeper.
- 7.4 A dog shall not be considered to be running at large if it is a Guide Dog, a Police Work Dog or a hunting dog accompanied by the harbourer or other responsible adult and is actively engaged in or hunting or training for hunting, on unposted land, or on posted land with the permission of the owner thereof.
- 7.5 Any dog known or suspected to be rabid shall be immediately destroyed by its Owner or by someone appointed by the Animal Control Officer to do so, in such a manner that the dog's brain is not damaged. Thereafter, the head of the dog shall be submitted by its Owner or by the Animal Control Officer to a laboratory for diagnosis.
- 7.6 Where a dog captured under this section is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Animal Control Officer, or other duly appointed Officer, in his or her sole discretion may destroy the dog in a humane manner as soon after capture as he or she thinks fit without permitting any persons to reclaim the dog or without offering it for sale, and in such an event no damages or compensation shall be recovered on account thereof.
- 7.7 Where a dog is alleged to have bitten any person, such dog may be impounded and held by the Animal Control Officer until proceedings under the Dog Owners' Liability Act have been followed provided that no dog so impounded shall be held for a period in excess of



twenty-one (21) days unless otherwise ordered by the Provincial Judge.

**8.0 Dog Waste**

- 8.1 Every person who owns, harbours, possesses or is in control of any dog shall remove forthwith and dispose of any excrement left by said dog on any property in the Municipality, other than the premises of the Owner of the dog.

**9.0 Dangerous Dogs**

- 9.1 The Owner of a dog shall exercise all reasonable precautions to prevent the dog from:
- (a) biting or attacking a person or domestic animal; or
  - (b) behaving in a manner that threatens or poses a menace to the safety of persons or domestic animals.
- 9.2 Every Owner of a dog that has bitten a person or a domestic animal shall ensure that said dog is muzzled or leashed while said dog is on any property in the Municipality, including the premises of the Owner of the dog.
- 9.3 Where the Owner of a dog objects to the muzzling or leashing requirement set forth in section 9.2 above, the Owner may request and is entitled to a Hearing by the Council of the Municipality of Brockton. The Council may, by Resolution, delegate the holding of the aforesaid Hearing to a Committee of Council or to the Animal Control Officer. Council or Committee of Council or the Animal Control Officer, if so delegated, may, in its/his/her sole discretion, uphold the provisions of section 9.2 above or exempt the Owner, with or without conditions, from the muzzling or leashing requirements contained in section 9.2 above.
- 9.4 Every Owner of a Dangerous Dog shall keep it indoors or in a secured yard that prevents the dog from escaping over or under the fence or by any other means, and that prevents access by the public. Dangerous Dogs shall not be confined only by a chain or tether.
- 9.5 Owners shall post warning signs clearly and visibly on the property where a Dangerous Dog is kept.
- 9.6 The Animal Control Officer may seize a dog in a public place if the officer believes on reasonable grounds that:
- (a) the dog has on one or more occasions bitten or attacked a person or domestic animal
  - (b) the dog has on one or more occasions behaved in a manner that poses a menace to the safety of persons or domestic animals
  - (c) an owner of the dogs has on one or more occasions failed to exercise reasonable precautions from carrying out Section 9.6 (a) or (b) as described above
  - (d) the dog is a restricted pit bull and an owner of the dog has on one or more occasions failed to comply with one or more if the requirements of this Act or the regulations respecting pit bulls
  - (e) the dog is a pit bull other than a restricted pit bull; or
  - (f) there is reason to believe that the dog may cause harm to a person or domestic animal.:
- 10.0 Pit Bull Controls**
- 10.1 Notwithstanding the provisions of the Dog Owner's Liability Act, except as permitted by that Act or the regulations, no person shall:
- (a) own a pit bull;
  - (b) breed a pit bull;
  - (c) transfer a pit bull, whether by sale, gift or otherwise;
  - (d) abandon a pit bull other than to a pound operated by or on behalf of a municipality, Ontario, or a designated body;
  - (e) allow a pit bull in his or her possession to stray;
  - (f) import a pit bull into Ontario; or
  - (g) train a pit bull for fighting

- 10.2 For purposes of this By-Law, a pit bull is a restricted pit bull if
- (a) it was owned by a resident of Ontario on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force; or
  - (b) it was born in Ontario before the end of the 90-day period beginning on the day of subsection 1 (16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force.

A person may own a pit bull if it is a restricted pit bull.

10.2.1 All persons who own restricted pit bulls shall licence and register the pit bull with the Municipality, yearly. The Municipality shall maintain a current registry of restricted pit bulls including the name, address and tag number of the animal.

- 10.3 An owner of a restricted pit bull shall ensure that the pit bull is at all times equipped with a muzzle and secured by a leash except if it is within enclosed property occupied by the owner of the pit bull or within property occupied by a person who consents to the pit bull being off leash or off muzzle.
- 10.4 Every Owner of a restricted pit bull shall ensure that the pit bull is sterilized by a veterinarian.
- 10.5 The only exceptions to Sections 10.1 to 10.4 of this By-Law shall be as set out in the Dog Owner's Liability Act or Ontario Regulation 157/05 (Pit Bull Controls).
- 10.6 Despite Section 14 of the Municipal Act, 2001, if there is a conflict between a provision of the Dog Owner's Liability Act or a regulation under it or any other Act relating to pit bulls and a provision of a By-Law passed by a municipality relating to pit bulls, the provision that is the most restrictive in relation to controls or bans on pit bulls prevails.
- 10.7 If there is a proceeding under the Dog Owners' Liability Act it is the onus of the Owner of the dog to prove it is not a pit bull.

#### **11.0 Prohibition of Cruelty To Animals**

- 11.1 No person shall keep any domestic animal unless the animal is provided with:
- (i) clean potable drinking water in spill proof containers at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
  - (ii) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
  - (iii) the opportunity for periodic exercise sufficient to maintain good health;
  - (iv) necessary veterinary medical care when the animal exhibits signs of pain or suffering.

- 11.2 No person shall keep any domestic animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter. The shelter must be weatherproof with an exterior windbreak and exterior door flap. The shelter door must face away from the prevailing wind and must be elevated off the ground. The shelter must be insulated:
- (i) to ensure protection from heat, cold and wet
  - (ii) that is appropriate to the animal's weight and type of coat.
  - (iii) that provides sufficient space to allow any animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
  - (iv) that is at least 1 1/2 times the length of the animal and at least the animal's length and width, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
  - (v) that provides sufficient shade to protect the animal from the direct rays of the sun at all times;
  - (vi) that is regularly cleaned and sanitized and all excreta removed at least once a day.
- 11.3 No person shall cause a domestic animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck on to a choke collar.
- 11.4 No person shall cause a domestic animal to be confined in an enclosed space, including a car, without adequate ventilation.
- 11.5 No person shall allow any domestic animal to suffer from any infectious disease.

#### **12.0 Miscellaneous Matters**

- 12.1 The Municipality, its agents and servants and a Pound-Keeper shall not be liable for damages or compensation for any dog killed under the provisions of this By-Law and no such damages or compensation shall be paid to any person.
- 12.2 The provisions of this By-Law are severable and if any provisions of this By-Law should, for any reason, be declared invalid or unenforceable by any court, the remaining provisions of the By-Law shall remain in full force and effect and be interpreted in such a manner as the context permits in order to carry out their intent.

#### **13.0 Penalties**

- 13.1 Every person who contravenes any provisions of this By-Law is guilty of an offence; and,
- (i) in the case of person who is not a corporation, upon conviction therefore is liable to a fine or penalty of not more than Ten Thousand (\$10,000.00);
  - (ii) in the case of a corporation, upon conviction therefor is liable to a fine or penalty of not more than Sixty Thousand Dollars (\$60,000.00).
- 13.2 The Animal Control Officer may enter, at all reasonable times, upon any property subject to the regulations of this By-Law in order to ascertain whether such regulations or directions are being obeyed.
- 13.3 Any person convicted of an offence under this By-Law may be liable to a penalty pursuant to s. 61 of the Provincial Offences Act R.S.O., 1990, c. P. 33

#### **14.0 Enactment**

- 14.1 That By-Law 2012-105 hereby be rescinded.
- 14.2 That this By-Law shall come into effect upon final passage.
- 14.3 This By-Law may be cited as the "Dog Control By-Law".

**Read, Enacted, Signed and Sealed this 4th day of June, 2019.**