

**THE CORPORATION OF THE TOWNSHIP OF BROCK**

**BY-LAW NUMBER 2446-2012-PP**

**AS AMENDED BY BY-LAW NUMBER 2497-2013-PP  
(CONSOLIDATED VERSION)**

BEING A BY-LAW TO PROVIDE FOR THE LICENSING AND REGULATION OF  
CERTAIN ANIMALS WITHIN THE TOWNSHIP OF BROCK

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**WHEREAS** section 11(3) of the *Municipal Act, 2001*, S.O. 2001, as amended (“Municipal Act”), authorizes the Township to pass by-laws respecting animals;

**AND WHEREAS** section 8(3) of the *Municipal Act* confers the power upon a municipality to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting a matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

**AND WHEREAS** section 151 of the *Municipal Act* authorizes the Township to provide for a system of licenses with respect to any business wholly or partly carried on within the Township;

**AND WHEREAS** section 11(2) of the *Municipal Act* confers the power upon municipalities to enact by-laws to provide for the health and well-being of persons and for the protection of persons and property;

**AND WHEREAS** section 391 of the *Municipal Act* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

**NOW THEREFORE** the Council of the Corporation of the Township of Brock enacts as follows:

**I. Definitions**

1. For the purposes of this by-law, the term:

- (1) “Canine Control Officer” means:
  - (a) a person, persons or class of persons who is or are assigned the responsibility of enforcing or administering this by-law;
  - (b) any person, company, corporation or association providing a dog control service by contract to the Township; and
  - (c) any employee, agent, servant or representative of such person, company, corporation or association.
- (2) “Cat” means a male or female cat over the age of eight (8) weeks.
- (3) “Council” means the Council of the Corporation of the Township of Brock.
- (4) “Dog” means a male or female dog over the age of twelve (12) weeks but does not include a guide dog.
- (5) “Dwelling House” means a building or part of a building occupied as the home, residence or living quarters for one or more families and shall include the land surrounding or appurtenant to the dwelling house.
- (6) “Guide Dog” means a dog which serves as a guide or leader for a person with a disability and which has been especially trained for that purpose.

- (7) (a) “Kennel – Boarding” means means a building, premises or place in which more than three dogs or cats are maintained or cared for, for remuneration or otherwise to a maximum number based on the square footage of the building.
- (b) “Kennel – Breeding a building, premises or place in which more than three purebred dogs, cats, sled dogs or working dogs are bred, maintained or cared for, for remuneration or otherwise to a maximum number based on the square footage of the building. In addition, a maximum of two (2) litters of pups and kittens per bitch and queen, up to sixteen (16) weeks of age may be permitted in any licensing year.
- (8) “Licence” means a licence issued pursuant to this by-law.
- (9) “Order to Restrain” shall mean an order issued to the owner of a dog to adhere to certain restrictions with respect to the methods to be used in restraining his or her dog.
- (10) “Owner” shall mean a person, or the person’s authorized agent, who possesses, keeps or harbours one or more dogs within the Township, and where the Owner is a minor, the person responsible for the custody of the minor, and “own”, “owns”, and “owned” shall have corresponding meanings.
- (11) “Purebred Dog” means a dog registered or eligible for registration in the register of any club or association incorporated under the *Animal Pedigree Act* (Canada), S.C. 1985, chapter 8.
- (12) “Tag” means a disc or other shape of metal or plastic furnished by the Township bearing a serial number and year of issuance as hereinafter provided and suitable to be securely fixed on a dog.
- (13) “Township” means the Corporation of the Township of Brock.
- (14) “Veterinarian” means a person registered to practice veterinary science under the *Veterinarians Act*, R.S.O. 1990, c. V.3.
- (15) “Working Dog” means a dog for sporting or hunting where such dog is registered with a bona fide sporting, hunting or working dog club.
- (16) “Livestock Guardian Dog” (LGD) means a dog that works with domestic farm animals for protection from predators and is used exclusively for that purpose.
- (17) “Herding Dog” means a dog that has been trained and is actively being used in a bona fide farming operation for the purpose of controlling livestock.

## **II. Licensing**

2. (1) Every owner of a dog shall, not being the holder of a kennel licence, before the 1st day of March in each year, or within six (6) days, excluding Saturdays, Sundays and statutory holidays, of becoming the owner of a dog on or after the 1st day of March in any year, license and register such dog with the Township.
- (2) Every licence issued pursuant to this section shall expire on the 31st day of December in the year in respect to which it was issued.
- (3) The fees payable for a dog licence shall be payable at the time of issuance of the licence and shall be in accordance with the “Fees By-law” as amended from time to time.
- (4) At the time of issuance of the licence by the Township, the owner, if required by the Township licence issuer, shall provide a certificate duly signed by a veterinarian certifying that each dog for whom the licence is proposed to be issued:

- (a) has been inoculated with an anti-rabies vaccine within a period of twelve (12) months immediately preceding the date of such application for licence; and
  - (b) is neutered or spayed if it is represented by the owner that the dog is neutered or spayed.
- (5) No person shall produce a false certificate in accordance with subsection (4) or misrepresent the inoculation, spaying or castration of a dog.
- (6) Upon payment of the licence fee for a dog, the owner shall be furnished with a dog tag. The owner shall keep the dog tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting deer in the bush.
- (a) Livestock Guardian Dog or Herding Dog shall be exempt from wearing a collar or tag, provided that the Owner has paid the annual licensing fee, registered said dog with the Township and provided identifying information for the dog from an ear tattoo, micro-chip, and/or proof of membership with the Canadian Kennel Club.
- (7) A tag shall bear a serial number and the year in which it was issued and a record shall be kept by the Canine Control Officer or a designate, showing the name and address of the owner, the serial number of the tag, and other relevant information.
- (8) If a tag is lost or misplaced for any reason, the owner shall make application for, and upon payment of a fee in accordance with the "Fees By-law", as amended from time to time, shall be entitled to a replacement tag.

### **III. Animal Control**

3. (1) For the purpose of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person as set out in subsection (2).
- (2) Every person having control of a dog in a place other than:
- (a) his premises or property;
  - (b) the premises or property of the owner of the dog; or
  - (c) the premises or property of any other person who provides authority for the person and dog to be present upon said premises or property without a lead being attached to the dog;
- shall secure the dog to a lead not exceeding 3 metres in length and shall keep hold of such lead.
- (3) No owner of a dog or cat shall, knowingly or not knowingly, allow the dog or cat to run at large within the limits of the Township.
- (4) Any person shall be entitled to take charge of any dog or cat found running at large but shall forthwith deliver the dog or cat to a Canine Control Officer.
4. A Canine Control Officer may seize and impound any dog or cat:
- (1) delivered to him under the provisions of section 3(4) above, or;
  - (2) found running at large.
5. (1) A Canine Control Officer shall restore possession of the dog or cat to the owner only where:
- (a) the owner claims possession of the dog or cat and it has not been gifted, sold or destroyed in accordance with section 7;

- (b) the owner pays to the Canine Control Officer or other duly authorized person:
    - i) a pound fee in an amount computed according to the provisions of section 6;
    - ii) a maintenance fee computed according to the provisions of section 6; and
  - (c) the dog is licensed under section 2 or shown to be exempt by means of the possession of a valid licence issued under the Kennel by-law.
- 6. The amount of the pound fee payable under section 5 shall be in accordance with the "Fees By-law", as amended from time to time.
- 7. (1) Where, on the fourth day, exclusive of Saturdays, Sundays and statutory holidays, after the date of the seizure and impounding, possession of the dog or cat has not been restored to the owner under section 8, a Canine Control Officer may, in his discretion:
  - (a) sell or make a gift of the dog or cat, or
  - (b) destroy the dog or cat in a humane manner, and no damage or compensation shall be recovered or recoverable on account of its disposition or destruction.
- (2) Where a dog or cat seized and impounded is injured or should be destroyed without delay for humane reasons, or for reasons of safety to persons or animals, a Canine Control Officer may destroy the dog or cat in a humane manner as soon after seizure as he sees fit without permitting any person to claim possession of the dog or cat and without offering it for sale and no damages or compensation shall be recovered or recoverable on account of its destruction.
- (3) Where a Canine Control Officer deems it necessary to destroy a dog or cat pursuant to the provisions of subsection (2), the officer shall first make every effort possible and practical in the circumstances to contact the owner of the dog or cat and to permit the owner to transfer the dog or cat, at the owner's expense, to the offices of a veterinarian.
- (4) Where a dog or cat seized and impounded is:
  - (a) determined to be rabid;
  - (b) is of an aggressive temperament and has caused injury to any person or damage to property,

a Canine Control Officer may immediately destroy such dog or cat.
- 8. Every owner of a dog or cat shall have the dog or cat inoculated with a rabies vaccine at least once every twelve (12) months and shall produce evidence of such inoculation to any Canine Control Officer on demand.
- 9. No owner of a dog shall, knowingly or not knowingly, allow the dog to interfere with any other person, animal or object, nor to howl or bark excessively.
- 10. (1) Where a Canine Control Officer is satisfied that a dog has bitten or attacked a person or a domestic animal, the Canine Control Officer may issue an Order to Restrain to the Owner of the dog.
- (2) Where a Canine Control Officer is satisfied that a dog has placed a person or domestic animal at the risk of physical harm, a Canine Control Officer may issue an Order to Restrain to the Owner of a dog.

- (3) An Order to Restrain issued pursuant to this section may impose conditions and/or restrictions on the Owner of a dog relating to the licensing and/or microchipping of a dog, restraining a dog by leashing and/or muzzling while the dog is on the Owner's property, restraining a dog by leashing and/or muzzling while the dog is away from the Owner's property, transferring ownership of the dog, and the minimum age of a person who may control the dog while the dog is away from the Owner's property.
- (4) An Order to Restrain issued pursuant to this by-law shall be served to the Owner of the dog personally or by leaving it with a person over the age of sixteen (16) years at the Owner's last known or usual place of residence or by sending it pre-paid registered mail and by regular letter mail to the Owner's address as shown on the most recent assessment roll or to the Owner's last known address. Concurrently, the Owner of the dog shall be served with a copy of the Canine Control By-law in effect at the time of the issuance of the Order to Restrain. Service is deemed to be effected five (5) days after mailing.
- (5) An Order to Restrain shall include a provision that any person served with an Order to Restrain has the right to appeal the Order to Restrain to Council, or a committee of Council, by filing a notice of appeal together with the reasons in support of the appeal in writing to the Clerk of the Township within ten (10) days of the date of service of the Order to Restrain.
- (6) Notwithstanding section 10(5), the Owner of a dog who is served with an Order to Restrain shall forthwith comply with the condition of leashing and/or muzzling the dog until such time as the appeal is heard and a decision is rendered by Council, or a committee of Council, or the order is deemed to be final and binding.
- (7) As soon as practicable after a notice of appeal is filed, the Township shall notify the Owner of the date, time, and location of the hearing of the appeal in writing by sending notice by regular mail to the Owner's last known address or to the address indicated on the notice of appeal.
- (8) At the hearing, Council, or a committee of Council, has the power to amend, revoke or uphold the Order to Restrain. The decision of Council, or a committee of Council, is final and binding.
- (9) In the event an appeal is filed and a hearing before Council, or a committee of Council, the Owner of the dog shall comply with all of the conditions and/or restrictions of the Order to Restrain, as may be amended by Council, or a committee of Council, within seven (7) days of the date of the hearing.
- (10) If an Owner fails to appear at the hearing of an appeal, Council, or a committee of Council, has the power to amend, revoke, or uphold the Order to Restrain and the decision of Council, or a committee of Council, is final and binding. The Owner of the dog shall comply with all of the conditions and/or restrictions of the Order to Restrain within seven (7) days of the date of the hearing.
- (11) If no appeal is filed with respect to an Order to Restrain, the Order to Restrain shall be deemed to be final and binding.
- (12) Where no appeal is filed, the Owner of the dog shall comply with the conditions and/or restrictions of the Order to Restrain within fifteen (15) days of the date of service of the Order to Restrain.
- (13) Where a final and binding Order to Restrain imposes conditions, the Owner shall provide proof of compliance to the conditions to the Canine Control Officer within thirty (30) days of the date of service of the Order to Restrain.
- (14) A person who fails to comply with section 10(6) is guilty of an offence.
- (15) A person who fails to comply with any condition and/or restriction of a final and binding Order to Restrain is guilty of an offence."

11. (1) No person shall, whether temporarily or permanently, keep, harbour, maintain, or possess more than three (3) dogs or cats or a combined total of five (5) consisting of cats and dogs in, at or about a dwelling house or in, at or about any other property or location within the Township.
  - (a) Notwithstanding those limits as set forth in subsection (1), two (2) additional dogs employed for the protection of livestock shall be permitted within the Rural (RU) and Rural Buffer (RB) Zone categories provided that the lot shall be a minimum of four (4) hectares.
  - (b) Notwithstanding those limits as set forth in subsection (1), there shall be no restrictions on the number of cats permitted within the Rural (RU) and Rural Buffer (RB) Zone categories provided that the lot shall be a minimum of four (4) hectares.
  - (c) Notwithstanding the provisions of subsection (1) or subsection (1)(a), any person who keeps, harbours, maintains, or possesses more than the permitted number of dogs or cats on the date this By-law comes into force shall be permitted to keep those dogs or cats until they die or are otherwise disposed of, provided that such dogs are registered and licensed with the Township in accordance with the provisions of this by-law.
- (2) This section does not apply to:
  - (a) the operation of a kennel licensed under the Kennel by-law;
  - (b) an animal hospital owned and operated by a veterinarian;
  - (c) a pet store; or
  - (d) a legally established pound or animal shelter.
12. Any person who owns or harbours a dog shall remove forthwith excrement left by the dog anywhere in the Township.

#### **IV. Care of Animals**

13. Every person who keeps, harbours, maintains, or possesses a dog or cat shall provide such animal, or cause it to be provided, with a clean and sanitary environment free from an accumulation of fecal matter, adequate and appropriate care, food, water, shelter, warmth, opportunity for physical activity, attention, veterinary care as may be required, and an environment that is appropriate to meet the physical and behavioural needs of the animal.

#### **V. Administration**

14. If a court of competent jurisdiction should declare any section or part of a section of the by-law to be invalid, such section or part of the section shall not be construed as having persuaded or having influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
15. Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction, be liable to a penalty as prescribed by the *Provincial Offences Act*, R.S.O. 1990, chapter P.33.
16. When any provision of the by-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty imposed by the by-law, the court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted pursuant to the provisions of section 327 of the *Municipal Act*, R.S.O. 1990, chapter M.45, as amended.
17. That By-Law Number 1679-2001-PP be and the same is hereby repealed in its entirety.
18. This by-law shall come into force and effect on the date of its passage.

BY-LAW 2446-2012-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 3<sup>rd</sup> day of December, 2012.

“Thomas G. Gettinby”  
Clerk

“W. Terry Clayton”  
Mayor

BY-LAW 2497-2013-PP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 4<sup>th</sup> day of November, 2013.

“Thomas G. Gettinby”  
Clerk

“W. Terry Clayton”  
Mayor