

THE CORPORATION OF THE MUNICIPALITY OF BROOKE-ALVINSTON

By-law Number 5 of 2017

Being a by-law to Licence Dogs and to prohibit the Running at Large of Dogs or Other Animals within the Municipality of Brooke-Alvinston:

WHEREAS Section 11(2) 6 of the Municipal Act authorizes a municipality to regulate matters related to health, safety and well being of the inhabitants of the municipality;

AND WHEREAS Section 103(1) of the Municipal Act 2001 confers the power upon a municipality, in exercising its powers to pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals it may provide for.

AND WHEREAS section 105 of the Municipal Act requires Council or a Committee of Council of the municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

AND WHEREAS the municipality is empowered under the Dog Owner's Liability Act and related regulations to regulate matters related to dogs;

AND WHEREAS the Provincial Offenses Act provides a penalty for persons who contravene any of the provisions of a municipal by-law;

NOW THEREFORE, the Council of the Corporation of the Municipality of the Brooke-Alvinston enacts as follows:

PART 1 – DEFINITIONS

For the purpose of this by-law, the following definitions apply:

Animal –shall mean any member of the animal kingdom, other than human, as defined in the Municipal Act;

Animal Control Officer – shall mean a person or association who has entered into a contract or agreement with the Municipality of Brooke-Alvinston to control dogs or other animals and any employees or agents of such an individual or company;

By-law Enforcement Officer – shall mean a person duly appointed by the Municipality of Brooke-Alvinston for the purpose of enforcing or carrying out the provisions of Municipal by-laws.

Cat – shall mean a domesticated feline animal, male or female, spayed or neutered or natural and kept by any person.

Certificate – shall mean a certificate, confirmation or other report, in writing of a veterinary surgeon evidencing that a particular dog therein identified has been spayed or neutered.

Clerk – means the Clerk of the Municipality of Brooke-Alvinston.

Control - shall mean that a dog is on a leash not exceeding three metres in length, under the control of a responsible person or is otherwise physically restrained. Sound or voice command is not deemed control under this by-law.

Council – shall mean the Council of the Municipality of Brooke-Alvinston.

Dangerous Dog - shall mean a dog that in the absence of any mitigating factor has attacked, bitten or caused injury to a person or domestic animal and has demonstrated a propensity, tendency or disposition to do so;

Dog –shall mean a domesticated canine animal, male or female, three months of age and older;

Dwelling – means a house, apartment, semi-detached or any other type of structure used for human habitation and includes the lot used in conjunction with it;

Foster – means an individual(s) cares for a rescue dog for a temporary period of time

Guardian – means a person who possesses or harbours an animal and where the guardian is a minor means the parent, guardian or person having custody of the minor

Guide Dog – shall be defined as a service / guide dog who assists persons with a disability. Hearing, seeing dogs, police service dogs are exempt from the payment of all license fees.

Herd Dog – means a dog that has been trained and is actively being used in a bon fide farming operation for the purposes of controlling livestock on the farm

Kennel – means any part of a lot, building, structure or establishment where more than two dogs are kept;

Boarding Kennel-a facility which provides shelter and care for dogs, under contract, shall for the purposes of this by-law;

Breeding Kennel-a facility in which dogs are kept for breeding purposes and are registered with an association incorporated under the Animal Pedigree Act (Canada);

Personal Use Kennel-any property in which more than two dogs are kept indoors for show purposes or outside for working purposes (hunting) only.

Kennel License – shall mean a certificate issued by the municipality to the owner of a kennel of dogs being either a Boarding Kennel, Breeding Kennel or Personal Use Kennel; on payment of the Kennel License fee, the owner of such kennel shall be exempt from further license for that year.

Municipality – shall mean the Corporation of the Municipality of Brooke-Alvinston.

Muzzle – means a humane fastening or covering devices placed over a dog's mouth and of sufficient strength to prevent the dog from biting;

Off Leash Area – shall mean an area of land designated in this by-law for which signs are posted by the Municipality indicating that dogs are permitted to run at large.

Other Animal – means animals other than dogs including but not limited to cats.

Owner – means the primary caregiver of a dog or other animal; includes a person who possesses or keeps a dog or other animal; a person in charge of the animal.

Police Work Dog – means a dog trained for and engaged in law enforcement by any federal or provincial government agency

Pound – means premises that are used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of the municipality.

Pound Keeper – means the person or organization responsible for maintaining the pound for the purpose of enforcing and carrying out the provisions of this by-law.

Potentially Dangerous Dog – means a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including but not limited to behavior such as growling, or snarling or shows the disposition or tendency to be threatening or aggressive

Pure-Bred – means “registered or eligible for registration with an association incorporated which shall include, but not limited to, under the Animal Pedigree Act (Canada).

Pit Bull – shall be defined in the Dog Owner's Liability Act

Prohibited / Restricted Dog – means any dog with a known propensity, tendency or disposition to attack without provocation from other domestic animals or persons.

Running at Large – an animal shall be deemed to be running at large when found in any place other than the premises of the owner of the animal and not under the control of any person

Redemption Period – means the period of time within which the owner of an animal that has been impounded has the right to redeem it and such period shall be three (3) days, exclusive of the day the animal was impounded, and exclusive of Saturday, Sunday or holidays.

Zone or Zoned – means land use designation in a zoning by-law passed under the provisions of the Planning Act.

Part 1 – Responsibilities of Dog Owners and the Public

- 1.1 No owner shall permit his / her dog to:
- i) To bite, attack, threaten, harass, chase, kill or injure any person including, but not limited to when such person is on a bicycle, walking or running
 - ii) To fight with any domestic animal or domestic bird; and
 - iii) To damage public or private property

Part 2 – Exemptions

- 2.1 This by-law shall not apply to either police service or guide dogs or other specialty trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial or municipal agency.

Part 3 – Number of Dogs

- 3.1 No owner shall keep in or upon any lands or premises within the Municipality of Brooke-Alvinston, irrespective of the number of owners, more than **two (2) dogs / household** unless in a licensed kennel. However, any young born on the premises may be kept there for a period not exceeding twelve (12) weeks after birth.
- 3.2 An individual(s) who foster a dog on a property in the municipality shall apply to the municipality to foster and sign a written agreement outlining the terms and conditions of fostering. (see Schedule D)

Part 4 – Kennels

4.1 General

- i) No person shall keep a kennel of dogs in the Municipality except under the authority of a currently valid license which must be renewed annually before the 1st of May of each year;
- ii) When considering an application for a kennel license, the Clerk will notify all neighbours within 120 m of the proposed location. After 30 days of the mailing, the kennel license will be considered. In considering the approval of a kennel license, the following considerations will be made:
 - a) The proposed site is an appropriate location for a kennel
 - b) The kennel will not adversely affect the neighbourhood
 - c) Comments received from neighbours
 - d) The kennel shall not be operated in a manner which creates a nuisance to anyone occupying a property in the vicinity
 - e) Adequate and appropriate facilities will be provided to assume public safety
 - f) That kennel maintenance and operation conform to the Code of Practice for the Canadian Kennel Operations as produced by the Canadian Veterinary Medical Association
 - g) That the application conforms to the requirements of the municipal zoning by-law
- iii) The owner of a kennel for breeding and boarding dogs shall be responsible to ensure that:
 - i) All dogs are adequately fenced or caged to prevent their running at large;

- ii) All dogs are fed and watered daily and kept in a clean healthy condition free from vermin and disease;
- iii) No dog is kept in a cage of inadequate size;
- iv) All droppings, soiled bedding and the like from which odour might arise, shall be removed not less often than weekly during the period between November 1st of one year and March 31st of the following year and daily during the remainder of the year;
- v) The kennel does not become a nuisance by reason of odour, noise from barking or otherwise;
- iv) All kennels must be inspected by the Animal Control Officer at the expense of the applicant, prior to the initial kennel license being issued;
- v) The Animal Control Officer has the authority to recommend that a kennel license not be issued;
- vi) The initial kennel license may not be issued by the License issuer unless approved by the municipal council;
- vii) Applications for renewals of a kennel license may or may not be subject to an inspection by the Animal Control Officer depending on individual circumstances and changes in the kennels operations: renewal inspections shall be at the discretion of the License issuer of the municipality and / or the Council and shall be conducted at the expense of the applicant;
- viii) The Council of the Municipality may refuse to issue or renew a license for a kennel of dogs;
- ix) The Animal Control Officer or any other person designated shall have the authority to inspect the kennels and then register the kennel owner;
- x) Schedule "C" attached hereto, is the prescribed application form for a kennel license and may be amended from time to time;

4.2 Boarding Kennel

Every person making application for a license to have a boarding kennel of dogs shall fully complete an application as set out on the prescribed form, and provide such other information as may be required by Council to properly consider the application, and pay the current dog tag and kennel license fee as established in the Municipal Fees for Services By-law.

4.3 Breeding Kennel

Every person making application for a license to have a breeding kennel of dogs shall complete fully an application as set out on the prescribed form, and provide such other information as may be required by Council to properly consider the application and pay the current dog tag and kennel license fee as established in the Municipal Fees for Services By-law.

4.4 Personal Use Kennel – show dogs, hunting dogs, racing dogs / working dogs

Every person making application for a license to have a personal use kennel of dogs shall complete fully an application as set out on the prescribed form, and provide proof that all dogs are pure-bred, used for dog shows, hunting purposes or for work (racing dogs) and provide such other information as may be required by Council to properly consider the application and pay the current dog tag and license fee as established in the Municipal Fees for Services By-law.

Part 5 – Dog Licenses

- 5.1 The license fee(s) to be paid to the Municipality of Brooke Alvinston shall be set out in the current municipal Fees for Services by-law.
- 5.2 A dog license fee for spayed or neutered dogs will be issued upon proof of a certificate by the owner that the dog in question has been spayed or neutered.
- 5.3 Every owner shall within ten days of becoming the owner of a dog three months of age or older obtain a license for each such dog and pay a license fee for each such dog in accordance with the Municipal Fees for Services by-law. Every owner of a dog shall obtain a license for each dog, before the 1st of May in every year. If the license is

obtained after May 1st, a penalty will be incurred as outlined in the municipal fees for services by-law.

- 5.4 a) Upon payment of the license fee for a dog, the owner shall be provided with a dog tag for the dog.
- b) The dog tag shall bear a serial number and the year in which it was issued and; a record shall be kept by the municipality showing the name and address of the owner and the serial number of the tag.
- c) The owner shall securely fix the dog tag on the dog and shall keep such tag securely fixed on the dog at all times until the tag is renewed or replaced.
- d) No person shall fix or use a tag upon a dog other than the dog for which the tag was issued.
- e) No person shall use a tag on a dog during any year subsequent to the year for which such tag was issued.
- 5.6 Complete written records of all dog registrations and dog licenses issued together with all dog tag particulars shall be maintained at the municipal office.
- 5.7 All dog license fee payments shall be made payable in cash, cheque or debit payable to the Municipality of Brooke-Alvinston.

Part 6 – DOGS OR OTHER ANIMALS FOUND RUNNING AT LARGE

- 6.1 No owner shall permit his or her dog or other animal to run at large or trespass in the Municipality at any time. Any animal found running at large or trespassing on private property may be seized and impounded.
- 6.2 The Animal Control Officer or Pound Keeper shall deliver every animal seized pursuant to this by-law to the Pound, and the Pound Keeper shall provide adequate quarters therein for every such dog or animal, and shall keep an accurate account of expenses incurred in furnishing the dog / animal with food, water and shelter and any other expenses connected with the care or the disposal of the dog /animal, and any amounts received from the sale of any such dog / animal.
- 6.3 An owner can redeem his or her animal after payment of the appropriate fines, pound fees and licensing if required. If after the expiration of the redemption period (3 days exclusive of weekends and statutory holidays), an animal has not been claimed, the pound keeper may find an alternative home, or if necessary, humanely euthanize and cremate the animal.

Part 7 – Off Leash Park

- 7.1 Dog Off Leash Areas are hereby established on those lands as outlined in Schedule “A” of this by-law
- 7.2 A dog owner may permit their dog to run at large in a dog-off leash park
- 7.3 Owners of dogs whose dogs are required to be muzzled, including restricted dogs and pitbulls, or whose dogs are deemed dangerous as defined in this by-law may not permit the dog that is required to be muzzled to run at large in the Dog Off Leash area.
- 7.4 No person shall remain in a dog off leash area between the hours of 11 p.m. and 6 a.m.
- 7.5 No person shall bring any more than two (2) dogs into the off leash area at any given time or permit any animal other than a dog to be at large in a dogs off leash area.

Part 8 – NOISE

- 8.1 No owner shall permit persistent barking, calling, whining or other noise

making by his or her dog / animal that is clearly audible at a point of reception in the Municipality. Livestock guardian dogs are exempt from barking restrictions if actively engaged in guarding livestock against predators.

PART 9 – DOG EXCREMENT

- 9.1 No owner shall permit a dog or other animal to foul with feces on any highway, park, sidewalk, boulevard or premises other than the premises on which the dog is habitually kept. Every owner shall immediately remove and dispose of any excrement left by his or her dog.
- 9.2 No owner of a dog or other animal shall allow animal excrement to accumulate in such proportions that it causes a nuisance visually or by causing an odour.

PART 10 – MUZZLING, LEASHING AND CONTAINMENT OF DOGS

- 10.1 No owner shall permit his or her dog to bite or attack without provocation, a person or domestic animal. If a dog has bitten a person or a domestic animal, the Animal Control Officer shall issue a notice to the Owner requiring that the dog be muzzled and leashed.

Where a notice to muzzle or leash is in effect, the dog shall be muzzled or leashed at all times unless, within the owner's dwelling or in an enclosed pen of sufficient dimension and construction to provide human shelter for the dog.

The Animal Control Officer shall authorize the allowance of a dog to be un-muzzled or un-leashed at their discretion.

PART 11- KEEPING OF RESTRICTED OR DANGEROUS DOGS

11.1 Every owner of a dangerous dog shall:

- a) License such dog with the Municipality as a dangerous dog in accordance with the requirements of this by-law
- b) Ensure that such dog is neutered or spayed
- c) Ensure that such dog has an up to date rabies shot
- d) Display at each entrance to the property and building in which the dog is kept warning that there is a dangerous dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare

11.2 When a dangerous dog is off its owner's property, the owner shall:

- a) Ensure the dog is muzzled in a humane manner at all times;
- b) Ensure the dog is on a leash not longer than one metre; and
- c) Ensure the dog is under the control of a person over the age of eighteen

11.3 When a dangerous dog is on its owner's property the owner shall:

- a) Ensure the dog is securely confined in a locked area that meets the following standards:
 - i) The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
 - ii) If the pen has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep.
 - iii) The pen shall also provide protection from the elements for the dog
 - iv) The pen shall not be within three metres of the property line or within three metres of a neighbouring dwelling unit

11.4 It shall be a condition of every licence for a dangerous dog that the owner of the dangerous dog provide and maintain a policy of liability insurance in the amount of at least one million dollars, covering the twelve month period during which licensing is sought for injuries caused by the owner's dangerous dog. The policy shall name the Municipality as a co-insured for the sole purpose of the Municipality being notified by the insurance company of any cancellation, termination or expiration of the policy

11.5 If the Municipality has, in its sole discretion, determined that a dog is a dangerous dog for the purpose of this by-law, the Municipality shall impound the said dog at the owner's

expense for a maximum of 10 days or the municipality may order the owner of the said dog to impound the dog on the owner's property until such time that the owner of the said dog has complied with all of the requirements contained in this by-law for the keeping of a dangerous dog. Should the owner fail to comply with all of the requirements contained in this by-law for the keeping of a dangerous dog within the said 10-day period, the Municipality may humanely destroy the impounded dangerous dog.

PART 12 – PROHIBITED DOGS

- 12.1 Prohibited dogs are not allowed in the Municipality. Where the Animal Control Officer has designated a dog as a prohibited dog, the Animal Control Officer shall serve notice upon the owner of such dog. If the Animal Control Officer has not seized and impounded the prohibited dog, the notice shall require the owner, upon receipt of such notice, to deliver the prohibited dog within six (6) working days to the pound.
- 12.2 All other requirements regarding Pit Bulls specifically shall be in accordance with the Dog Owner's Liability Act, 1990 (DOLA), as amended, including regulations pertaining to DOLA, and the Animals for Research Act, 1990, as amended.

PART 13 – COMPENSATION

- 13.1 The municipality, its employees, agents and servants and the Animal Control Officer shall not be liable for damages or compensation for any dog / animal humanely euthanized under the provisions of this by-law and no such damages or compensation shall be paid to any person.

PART 14 – OFFENCES

- 14.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, in accordance with Schedule "B" of this by-law.
- 14.2 This By-law may be enforced by the O.P.P., by a Provincial Offences Officer, by an Animal Control Officer, By-law Enforcement Officer or by a Pound Keeper.

PART 15 – REPEAL OF BY-LAWS

- 15.1 Any previous by-laws for the licensing of dogs, including By-law No. 38 of 2006 is hereby repealed.
- 15.2 This by-law shall come into force and take effect on the day of final passing thereof.

Read a first and second time this 26th day of January, 2017

Mayor

Clerk Administrator

Read a third time and finally passed this 26th day of January, 2017

Mayor

Clerk Administrator

**Municipality of Brooke Alvinston
Municipal Dog Park
Located at: 3310 Walnut Street
Alvinston, Ontario**

Northeast Corner, behind Optimist Ball Diamond

Part 1 – Provincial offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Offence	COLUMN 3 Set Fine First Offence	COLUMN 4 Subsequent Offence(s)
1	Keeping of more than two (2) dogs upon lands or premises	Part 3, s.3.1	\$55.00	\$110.00
2	Guardian fixes or uses a tag on a dog other than the dog for which it was raised	Part 6, s.6.4(d)	\$55.00	\$110.00
3	Guardian permits dog to run at large	Part 7, s.7.1	\$55.00	\$110.00
4	Guardian permits persistent barking or other noise	Part 9, s. 9.1	\$55.00	\$110.00
5	Guardian does not pick up feces	Part 10, s. 10.1-10.2	\$55.00	\$110.00
6	Guardian permits dog to bite or attack	Part 1, s. 1.1(i)	\$55.00	\$110.00



Kennel Licence Application
In accordance with By-law 5 of 2017

Year: _____ Renewal: _____ New: _____ Transfer of Ownership _____

Owner's Name: _____

Owner's Address: _____ Postal Code: _____

Home Telephone #: _____ Cell Phone #: _____

Type of Kennel: Boarding _____ Breeding _____ Personal _____

Zoning of Land Where Kennel is Situated: _____

Is Kennel Registered with Canadian Kennel Club: _____ Licence Number (if applicable): _____

Number of Dogs kept for purposes other than Breeding: Males _____ Females _____

Number of Dogs kept for Breeding purposes: Males _____ Females _____

Number of Dogs boarded during average year: Males _____ Females _____

Number of pens / runs in Kennel: Pens _____ Runs _____

I / we hereby acknowledge that I/we have been provided with a copy of and have read and understand the regulations as set out in the Municipality of Brooke-Alvinston By-law Number xx of 2017, and understand that the Municipality of Brooke-Alvinston will investigate any cruelty to animal charges and/or convictions before the issuance of a kennel licence. I /we also acknowledge that personal information collected as part of the application process for licenses is subject to release to the Animal Control Officer as and when requested by him / her.

Date: _____ Signature of Owner: _____

Site Plan of Kennel and Property Kennel is Situated on:

All personal information on this application is collected pursuant to Section 150 of the Municipal Act, 2001, c. 25 as amended, and will be used to assess eligibility for a kennel license and the information may be provided to the Animal Control Officer upon request. If you have any questions regarding the collection and use of this information, please contact the Clerk, Municipality of Brooke-Alvinston, 3236 River St., P.O. Box 28, Alvinston, ON N0N 1A0; 519-898-2173.



Agreement to Foster Dogs
In accordance with By-law 5 of 2017

This Agreement is made and entered into this _____ day of _____, 20____, by and between the Municipality of Brooke-Alvinston, hereinafter called the "Municipality" and the following individual(s), hereinafter called the "Foster."

NAME OF FOSTER FAMILY _____ (Foster)

WHEREAS Foster wishes to foster one or two dogs for
_____ (name of shelter / rescue group).

NOW THEREFORE, the parties to the agreement agree as follows:

- Dog Control By-law # ___ of 2017 states "no person shall keep more than 2 dogs in any one dwelling unit or on any premises."
- Foster will abide by By-law ___ of 2017 with the exception of keeping more than 2 dogs on the premises for a total of ___ dogs (___ foster and ___ owned-shall not exceed 4 dogs).
- Municipality / Animal Control hereby grants permission to Foster to keep foster dog(s) as listed below at the premises located at _____ up to _____ day(s) of _____, 2017. (Permission to be granted is limited to no more than two months). Foster will require written permission from the Municipality / Animal Control should an extension be required for extenuating circumstances.
- Municipality will provide a complimentary dog tag for the foster dog(s) while in the care of Foster. Foster must return the tag after the expiry of the foster period.

If a complaint is received regarding one or more of the dogs owned or fostered by Foster there will be no alternative but to enforce the two dog limit in the by-law and foster status may be revoked.

Foster Care Provider Signature

Municipal Clerk Signature

Name of Foster Dog _____ Breed _____ age _____ Tag # _____

Name of Foster Dog _____ Breed _____ age _____ Tag # _____

Name of Foster _____

Address _____

Home Phone _____ Cell Phone _____

Email Address _____