

ANIMALS

Chapter 206 DOGS - OTHER ANIMALS

CHAPTER INDEX

Article 1 INTERPRETATION

206.1.1	Altered - defined
206.1.1.2	Animal - defined
206.1.2	Animal Control Officer - defined
206.1.3	Control - defined
206.1.4	Dangerous dog - defined
206.1.5	Dog Show - defined
206.1.6	Kennel - defined
206.1.7	Leash - defined
206.1.8	Leash free park - defined
206.1.9	Licence agent - defined
206.1.10	Mitigating factor - defined
206.1.11	Muzzle - defined
206.1.12	Owner - defined
206.1.13	Pen - defined
206.1.14	Pit bull - defined
206.1.15	Potentially dangerous dog - defined
206.1.16	Poultry - defined
206.1.17	Pound - defined
206.1.18	Poundkeeper - defined
206.1.19	Prohibited dog - defined

DOGS - OTHER ANIMALS

- 206.1.20 Restricted dog - defined
- 206.1.21 Service dog - defined

Article 2 GENERAL PROVISIONS

- 206.2.1 Dogs - maximum - three per location - exception
- 206.2.2 Cats - maximum - three per location - exception
- 206.2.3 Rabbits - maximum - five per location - exception
- 206.2.4 Exceptions - animal hospital - pound - zoo - park
- 206.2.5 Dog - excrement - stoop - scoop
- 206.2.6 Pound - established - purpose
- 206.2.7 Poundkeeper - records - submission - monthly
- 206.2.8 Poundkeeper - responsibilities - care of animals
- 206.2.9 Direction - giving of notice

Article 3 CONTROL OF VICIOUS DOGS COMMITTEE

- 206.3.1 Control of Vicious Dogs Committee - composition
- 206.3.2 Chair - appointment
- 206.3.3 Secretary - appointment
- 206.3.4 Committee - quorum
- 206.3.5 Appeal - to Control of Vicious Dogs Committee
- 206.3.6 Appeal - time for
- 206.3.7 Appeal - confirmation of designation
- 206.3.8 Appeal - no stay of muzzle order
- 206.3.9 Direction - compliance with

Article 4 GENERAL PROHIBITIONS

- 206.4.1 Prohibited classes - set out
- 206.4.2 Farm animals - appropriate zoning - required

DOGS - OTHER ANIMALS

- 206.4.3 Exemption - animals kept - prior to enactment
- 206.4.4 Pit bull - special requirements
- 206.4.5 Pit bulls - other requirements
- 206.4.6 Pit bulls - impounded
- 206.4.7 Potentially dangerous dogs - requirements
- 206.4.8 Potentially dangerous dogs - other requirements
- 206.4.9 Dangerous Dog - designation - special requirements
- 206.4.10 Dangerous dog - other requirements

Article 5 EXEMPTIONS

- 206.5.1 Exemptions - dog shows

Article 6 DOGS - LICENSING

- 206.6.1 Licence - required - by owner - immediately
- 206.6.1.1 Licence fee - new dog
- 206.6.2 Licence - required - annually - January 1
- 206.6.3 Licence - issue - by licence agent - Treasurer
- 206.6.4 Licence - issue - when fee paid - Schedule 'A'
- 206.6.4.1 Licence fee - altered dog
- 206.6.5 Tag - issued - fee paid
- 206.6.6 Tag - serially numbered - information - year of issue
- 206.6.7 Tag - affixed to dog - exception
- 206.6.8 Tag - removal - prohibited - exception
- 206.6.9 Dog - unlicensed - deemed contravention
- 206.6.10 Transfer - licence
- 206.6.11 Transfer licence - prohibited
- 206.6.12 Licence - required - dogs - reclaimed - purchased

DOGS - OTHER ANIMALS

Article 7

DOGS - AT LARGE AND TRESPASS

- 206.7.1 Running at large - prohibited
- 206.7.2 Dog - not under control - off owner's premises
- 206.7.3 Contravention - capture - impoundment - authority
- 206.7.4 Trespassing - capture - impoundment - permitted
- 206.7.5 Impoundment - redemption - within 72 hours - fee
- 206.7.6 Other penalties - liabilities- applicable
- 206.7.7 Dog - not redeemed
- 206.7.8 Dog - at large - prevention
- 206.7.9 Exception -farmland
- 206.7.10 Exception - agricultural land - restricted dogs
- 206.7.11 Exception - leash free park

Article 8

ANIMALS - AT LARGE AND TRESPASS

- 206.8.1 Running at large - trespassing - prohibited
- 206.8.2 Contravention - capture - impoundment - authority
- 206.8.3 Trespassing - capture - impoundment - permitted
- 206.8.4 Impoundment - redemption - within 72 hours - fee
- 206.8.5 Other penalties - liabilities - applicable
- 206.8.6 Animal - not redeemed
- 206.8.7 Exemptions - cats - dogs - banded pigeons

Article 9

PIGEONS - KEEPING

- 206.9.1 Permitted - registered member - recognized group
- 206.9.2 Released for flight - not deemed at large - conditions

DOGS - OTHER ANIMALS

Article 10 CHICKENS - KEEPING

- 206.10.1 Permitted - registered member - recognized group
- 206.10.2 Repealed: By-law 200-2005, 12 December, 2005

Article 11 PENS

- 206.11.1 Location - distance from other structures
- 206.11.2 Clean - sanitary condition - at all times
- 206.11.3 Exemption - pen - conforming - prior to enactment

Article 12 PET STORES

- 206.12.1 Sale - prohibited animals - prohibited
- 206.12.2 Number limitations - not applicable
- 206.12.3 Dogs - licensing - not required

Article 13 ENFORCEMENT

- 206.13.1 Fine - for contravention
- 206.13.2 Contravention - pit bull

Article 12 REPEAL - ENACTMENT - CONDITIONAL

- 206.12.1 By-laws - previous
- 206.12.2 Effective date - upon approval - set fines - exception

SCHEDULE

Schedule 'A' - Fees and penalties

Article 1
INTERPRETATION

206.1.1 Altered - defined

“altered” means a dog that has either been spayed or neutered by a licenced veterinarian. By-law 129-2007, 13 August, 2007.

206.1.1.2 Animal - defined

“animal” means an animal as defined in the *Municipal Act, 2001*, as amended.

206.1.2 Animal Control Officer - defined

“Animal Control Officer” includes the person, society or association who has entered into a contract with the municipality to control animals and to operate a pound, and any employee of such person, society or association, all of which are hereby appointed Municipal By-law Enforcement Officers for the purpose of enforcing the provisions of this Chapter.

206.1.3 Control - defined

“control” means that a dog is under the effective control of a person or is otherwise physically restrained and the words “controlled” and “controlling” have corresponding meanings. Sound or voice command is not deemed control under this Chapter.

206.1.4 Dangerous dog - defined

“dangerous dog” means:

- (a) a dog that in the absence of any mitigating factor has bitten or attacked a person or domestic animal; or
- (b) a dog previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

206.1.5 Dog Show - defined

“dog show” means a conformation show, an agility trial, an obedience trial, a tracking test and an earth dog test. A dog show is an approved dog show if it is an event, that is sanctioned, in writing, by one or more of the following dog registries:

- (a) the Canadian Kennel Club;
- (b) the United Kennel Club;
- (c) the American Kennel Club;
- (d) the American Dog Breeders Association.

206.1.6 Kennel - defined

“kennel” means a place or confine where dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) are bred or raised.

206.1.7 Leash - defined

“leash” means a line or cord not exceeding two metres (6.5 feet) in length which is used to secure or restrain a dog, unless otherwise defined in Sections 206.4.4, 206.4.7 and 206.4.9. By-law 93-2005, 24 May, 2005.

[Next page is 206.7]

206.1.8 Leash free park - defined

“leash free park” means a community off-leash area for dogs that has been approved and designated by the Council of The Corporation of the City of Brantford. By-law 162-2006, 6 November, 2006.

206.1.9 Licence agent - defined

“licence agent” means the person, society, or association which has entered into an agreement with The Corporation of the City of Brantford for the purpose of enforcing this Chapter.

206.1.10 Mitigating factor - defined

“mitigating factor” means a circumstance which excuses aggressive behaviour of a dog and without limiting the generality of the foregoing, may include circumstances where:

- (a) the dog was, at the time of the aggressive behaviour, acting in defence to attack from a person or domestic animal;
- (b) the dog was at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or domestic animal trespassing on the property of its owner; or
- (c) the dog was, at the time of the aggressive behaviour, being teased or provoked or tormented.

206.1.11 Muzzle - defined

“muzzle” means a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting and the words “muzzled” and “muzzling” have corresponding meanings.

206.1.12 Owner - defined

“owner” of an animal includes a person who possesses or harbours an animal or dog and shall include a person or persons who are temporarily the keeper of the animal, and the words “owns” and “owned” shall have corresponding meanings.

206.1.13 Pen - defined

“pen” means any building, structure or other enclosure constructed or used primarily for the purpose of enclosing animals, and includes any enclosure commonly known or referred to as a coop, corral, hutch, pad-dock, or run.

206.1.14 Pit bull - defined

“pit bull” means the breed of dog which includes:

- (a) a pit bull terrier;
- (b) a Staffordshire bull terrier;
- (c) an American Staffordshire terrier;

- (d) an American pit bull terrier; or
- (e) a dog that has an appearance and physical characteristics that are substantially similar to dogs referred to in (a) through (d) above.

206.1.15 Potentially dangerous dog - defined

“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, behaviour such as growling or snarling or shows the disposition or tendency to be threatening or aggressive.

206.1.16 Poultry - defined

“poultry” means both the male and female of domestic fowl which are commonly raised for meat or eggs, and includes chickens, ducks, geese, grouse, pheasants, turkeys, and pigeons.

206.1.17 Pound - defined

“pound” has the same meaning as in the *Animals for Research Act*, as amended, and is the facility designated by The Corporation of the City of Brantford as a pound.

206.1.18 Poundkeeper - defined

“Poundkeeper” means the person, society or association who has entered into a contract with the City of Brantford to maintain and administer the pound.

206.1.19 Prohibited dog - defined

“prohibited dog” means :

- (a) a pit bull dog;
- (b) a pit bull dog, previously designated as a restricted dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog; or
- (c) a dog, previously designated as a dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog.

206.1.20 Restricted dog - defined

“restricted dog” means a dog that is a pit bull and that has been registered by the owner with the City of Brantford and maintains a valid municipal dog licence, issued under Article 6. By-law 93-2005, 24 May, 2005.

206.1.21 Service dog - defined

“service dog” means a dog trained to provide service for a person who, because of a disability as defined in section 2 of the *Accessibility for Ontarians with Disabilities Act, 2005*, c. 11, as amended, is dependent on a service dog. By-law 106-2008, 18 August, 2008.

[Next page is 206.9]

Article 2 GENERAL PROVISIONS

206.2.1 Dogs - maximum - three per location - exception

Whether temporarily, permanently, or otherwise, no more than three domestic dogs of an age in excess of six months shall be kept, harboured, maintained or possessed at any location within the City of Brantford. A maximum of one dangerous dog shall be permitted at any one location.

206.2.2 Cats - maximum - three per location - exception

Whether temporarily, permanently, or otherwise, no more than three domestic cats of an age in excess of six months shall be kept, harboured, maintained or possessed at any location within the City of Brantford.

206.2.3 Rabbits - maximum - five per location - exception

Whether temporarily, permanently, or otherwise, no more than five domestic rabbits of an age in excess of three months shall be kept, harboured, maintained or possessed at any location within the City of Brantford.

206.2.4 Exceptions - animal hospital - pound - zoo - park

The provisions of this Article shall not apply to prevent the keeping of animals at any of the following:

- (a) an animal hospital, animal shelter, clinic, or kennel;
- (b) a shelter lawfully operated by the Ontario Society for the prevention of Cruelty to Animals;
- (c) the operators or employees of a pound, supply facility or research facility, in accordance with the *Animals for Research Act*, as amended; and
- (d) a zoological garden, zoo, or public park.

206.2.5 Dog - excrement - stoop - scoop

The owner of a dog, except a guide-dog, shall remove forthwith excrement left by the dog anywhere within the City of Brantford.

206.2.6 Pound - established - purpose

A City Pound, to be under the authority and management of the Poundkeeper, shall be established for the purpose of receiving and disposing, as hereinafter provided, of all dogs impounded under the authority of this Chapter.

206.2.7 Poundkeeper - records - submission - monthly

The Poundkeeper shall keep a record of all animals impounded pursuant to Articles 7 and 8, and shall prepare a monthly summary for the Clerk, showing the number of impounded animals by species, the length of time that each animal remained at the pound, how the animals were dealt with in accordance with the *Animals for Research Act*, as amended, and the amount of money collected as poundage fees and as proceeds of sales.

206.2.8 Poundkeeper - responsibilities - care of animals

The Poundkeeper shall feed and supply with water all animals after they have been impounded for a length of time which has exceeded six hours, and at least daily thereafter until the animals have been disposed of in accordance with this Chapter.

206.2.9 Direction - giving of notice

Any direction or notice pursuant to the provisions of this Chapter, shall be personally served on the owner of the dog or shall be given by registered mail addressed to the last known address of the owner and shall be deemed received on the fifth working day after the date of mailing.

Article 3**CONTROL OF VICIOUS DOGS COMMITTEE****206.3.1 Control of Vicious Dogs Committee - composition**

The Council of the City of Brantford shall appoint the three members of the Control of Vicious Dogs Committee, to coincide with the term of Council of the City. The Council shall fill any vacancy that occurs in the membership of the Committee.

206.3.2 Chair - appointment

The members of the Committee shall elect a Chair from among themselves and, when the Chair is absent through illness or otherwise, the Committee may appoint another member as Acting Chair. Any member of the Committee may administer oaths.

206.3.3 Secretary - appointment

The City Clerk's Office shall provide a secretary for the Committee, who shall keep on file the records of all official business of the Committee, including records of all appeals and minutes of all decisions respecting those appeals.

206.3.4 Committee - quorum

A majority of the members constitutes a quorum for transacting the Committee's business.

206.3.5 Appeal - to Control of Vicious Dogs Committee

A dog owner who has been directed in accordance with Sections 206.4.7, and 206.4.9 may request and is entitled to a hearing by the Committee, which may exempt the owner in whole or in part from the muzzling requirement. Any such exemption may be granted subject to such conditions as the Committee deems appropriate.

206.3.6 Appeal - time for

A dog owner whose dog has been designated as a potentially dangerous or dangerous dog, may appeal to the Committee by forwarding a Notice of Appeal to the Clerk, within fourteen days after being served with a Notice of Designation.

206.3.7 Appeal - confirmation of designation

A Notice of Designation that is not appealed within the time frame referred to in Section 206.3.6 shall be deemed to be confirmed.

206.3.8 Appeal - no stay of muzzle order

A request of the owner of a dog for a hearing under Section 206.3.5, does not act as a stay of the muzzling requirement.

206.3.9 Direction - compliance with

Every person shall comply with any direction given pursuant to Section 206.4.7 and Section 206.4.9, unless and until the direction is modified on appeal.

Article 4**GENERAL PROHIBITIONS****206.4.1 Prohibited classes - set out**

No person shall keep, harbour or possess any animal or animals of any of the following classes anywhere within the City of Brantford:

- (a) all marsupials (such as kangaroos and opossums);
- (b) all non-human primates (such as gorillas and monkeys);
- (c) all felids, except the domestic cat;
- (d) all canids, except the domestic dog;
- (e) all viverrids (such as mongooses, civets, and genetis);
- (f) all mustelids (such as skunks, weasels, otters and badgers);
- (g) all ursids (bears);
- (h) all artiodactylus ungulates, except domestic goats, sheep, pigs and cattle;

- (i) all procyonids (such as racoons, coatis and cacomistles);
- (j) all hyaenas;
- (k) all pinnipeds (such as seals, fur seals, and walruses);
- (l) all snakes of the families pythonidae and boidae;
- (m) all venomous reptiles;
- (n) all ratite birds (such as ostriches, rheas, cassowaries);
- (o) all diurnal and nocturnal raptors (such as eagles, hawks, and owls);
- (p) all edentates (such as anteaters, sloths and armadillos);
- (q) all bats;
- (r) all crocodilians (such as alligators and crocodiles);
- (s) all arachnids (such as tarantulas); and
- (t) all prohibited dogs.

206.4.2 Farm animals - appropriate zoning - required

No person shall keep, harbour or possess any horses, cattle, sheep, goats, swine, mules or poultry anywhere within the City of Brantford unless on a property which is assessed pursuant to the *Assessment Act*, as amended as farm lands and used only for farm purposes by the owner or tenant thereof.

206.4.3 Exemption - animals kept - prior to enactment

Sections 206.4.1 and 206.4.2 shall not prevent any person from keeping, harbouring or possessing any animal if such animal was lawfully being kept, harboured or possessed by that same person on the date on which the prohibition in either such Section came into full force and effect if and for so long as the animal continues to be kept, harboured or possessed by that person.

206.4.4 Pit bull - special requirements

The exemption provided in Section 206.4.3 shall only apply in respect of particular pit bulls if each and every one of the following requirements is satisfied and remains continuously satisfied without interruption or exception in respect of such particular pit bull:

- (a) the particular pit bull must not have been the subject of a previous direction to muzzle or, if the particular pit bull was the subject of a direction to muzzle, such direction must have been removed on appeal pursuant to Section 206.3.5;

- (b) the particular pit bull shall be muzzled at all times while not on the property of its owner, subject to a right of appeal to the Control of Vicious Dogs Committee;
- (c) at all times when not on the property of its owner, the particular pit bull shall be:
 - (i) under the effective control of a person at least eighteen years of age, sound or voice command is not deemed to be control under this Chapter; and
 - (ii) under leash, which leash shall be not greater than 0.9144 metres (3 feet) in length.
- (d) at all times when the particular pit bull is on the property of the owner, it shall be confined within a building on the property or within a:
 - (i) wholly fenced yard, or
 - (ii) a pen constructed and maintained in compliance with Article 11.
- (e) the particular pit bull must not have engaged in any of the following actions:
 - (i) the dog has bitten or attacked a person or a domestic animal;
 - (ii) in the absence of any mitigating factor, the dog has behaved in a manner that poses a menace to the safety of persons or domestic animals.
- (f) on or before the 1st day of April, 2005, the particular pit bull shall have been registered with the Clerk (in addition to the other licensing requirements in this Chapter) as a pit bull which is being kept, harboured and possessed by the person prior to the date on which Section 206.4.1(t) came into full force and effect and, at the time of such registration, the following shall have been provided to the Clerk:
 - (i) a certificate from a licensed Ontario veterinarian attesting to the fact that the particular pit bull has been spayed or neutered;
 - (ii) a certificate from a licensed Ontario veterinarian attesting to the fact that a microchip has been inserted into the pit bull;

- (iii) an insurance certificate demonstrating that the owner has taken out the insurance described in item (g) below;
 - (iv) a completed registration form signed by the owner of the pit bull containing such particulars relating to the owner of the pit bull and the particular pit bull as the Clerk may from time to time require.
- (g) the owner of a particular pit bull shall take out and keep in full force and effect a policy of liability insurance which includes public liability and property damage coverage, to be issued by an insurer licensed to carry on business in Ontario, and which has a policy amount of not less than \$1,000,000. The owner shall supply the Clerk with certificate of insurance upon initial registration of the dog and as required from time to time where the forgoing insurance is renewed or transferred to another insurer. Such revised insurance certificate shall be supplied within 72 hours of any such renewal or transfer.
- (h) the owner of a particular pit bull shall at the time of registration, obtain a warning sign as shall have been prescribed and supplied from time to time by the Clerk of the municipality, which sign shall be posted and displayed continuously by the owner in a prominent location in close proximity to the location where the particular pit bull is normally kept;
- (i) the ownership of the particular pit bull does not change. In the event that the ownership of the pit bull is transferred to another owner, whether such disposition is *inter vivos* or testamentary, the exemption provided by Section 206.4.3 shall immediately cease.
- (j) the particular pit bull shall have had a microchip implanted into it;
- (k) the particular pit bull shall have been spayed or neutered, as the case may be.

206.4.5 Pit bulls - other requirements

In addition to the requirements of Section 206.4.4, the owner of any pit bull shall, regardless of the availability of the exemption provided by Section 206.4.3:

- (a) notify the Clerk within forty-eight hours of the death of a pit bull;
- (b) where the pit bull has been transferred whether by sale, gift or otherwise, notify the Clerk within forty-eight hours of such

transfer and provide the Clerk with the identity of the new owner and the address outside the City to which the pit bull has been removed; and

- (c) take all reasonable steps to prevent the pit bull from engaging in the actions described in Section 206.4.4(e).

206.4.6 Pit bulls - impounded

Any pit bull impounded under the provisions of Article 7 of this Chapter, shall not be redeemed under Section 206.7.5 and shall be disposed of in accordance with Section 20 of the *Animals for Research Act*, as amended.

206.4.7 Potentially dangerous dogs - requirements

If the Animal Control Officer designates a dog as a potentially dangerous dog, the Animal Control Officer shall serve a potentially dangerous dog notice upon the owner, requiring the owner upon receipt of such notice, to comply with the following requirements, as set out in the notice:

- (a) the owner shall purchase a potentially dangerous dog licence from the Clerk;
- (b) the dog shall be muzzled at all times while not on the property of the owner, subject to right of appeal to the Control of Vicious Dogs Committee;
- (c) at all times, when the dog is on the property of the owner, it shall be confined within a building on the property or within a:
 - (i) wholly fenced yard; or
 - (ii) a pen constructed and maintained in compliance with Article 11.
- (d) at all times, when not on the property of the owner, the dog shall be:
 - (i) under the effective control of a person at least eighteen years of age; and
 - (ii) under leash, which leash shall be not greater than 0.9144 metres (3 feet) in length.
- (e) a certificate from a licensed Ontario veterinarian attesting to the fact that a microchip has been inserted into the dog, shall be provided to the Clerk, at the time that the owner purchases the potentially dangerous dog licence;
- (f) a certificate from a licensed Ontario veterinarian attesting to the fact that the dog has been spayed or neutered;

- (g) the owner of the dog shall have received at the time of purchasing the dog licence, a warning sign as shall have been prescribed and supplied from time to time by the Clerk of the municipality, which sign shall be posted and displayed continuously by the owner in a prominent location in close proximity to the location where the particular dog is normally kept;
- (h) the designation of a potentially dangerous dog may be removed by the Animal Control Officer, following a period of two years from designation and pending a review that no offences have occurred.

206.4.8 Potentially dangerous dogs - other requirements

In addition to the requirements of Section 206.4.7, the owner of any potentially dangerous dog shall:

- (a) notify the Clerk within forty-eight hours of the death of the dog;
- (b) where the change of ownership of the dog has occurred, notify the Clerk within forty-eight hours of such transaction and provide the Clerk with the identity of the new owner and their address and telephone number;
- (c) take all reasonable steps to prevent the dog from engaging in the following actions:
 - (i) biting or attacking a person or domestic animal;
 - (ii) in the absence of any mitigating factor, the dog is behaving in a manner that poses a menace to the safety of persons or domestic animals.

206.4.9 Dangerous Dog - designation - special requirements

If an Animal Control Officer designates a dog as a dangerous dog, the Animal Control Officer shall serve a dangerous dog notice upon the owner, requiring the owner upon receipt of such notice, to comply with the following requirements, as set out in the notice:

- (a) the owner shall purchase a dangerous dog licence from the Clerk;
- (b) the dog shall be muzzled at all times while not on the property of its owner, subject to the right of appeal to the Control of Vicious Dogs Committee;
- (c) at all times, when the dog is on the property of its owner, it shall be confined within a building on the property or within a:
 - (i) wholly fenced yard; or

- (ii) a pen constructed and maintained in compliance with Article 11.
- (d) at all times, when not on the property of the owner, the dog shall be:
 - (i) under the effective control of a person at least eighteen years of age; and
 - (ii) under leash, which leash shall be not greater than 0.9144 metres (3 feet) in length.
- (e) a certificate from a licensed Ontario veterinarian attesting to the fact that a microchip has been inserted into the dog, shall be provided to the Clerk, at the time the owner purchases a dangerous dog licence;
- (f) a certificate from a licensed Ontario veterinarian attesting to the fact that the dog has been spayed or neutered;
- (g) the owner of the dog shall have received at the time of purchasing the dog licence, a warning sign as shall have been prescribed and supplied from time to time by the Clerk of the municipality, which sign shall be posted and displayed continuously by the owner in a prominent location in close proximity to the location where the particular dog is normally kept.

206.4.10 Dangerous dog - other requirements

In addition to the requirements of Section 206.4.9, the owner of any dangerous dog shall:

- (a) notify the Clerk within forty-eight hours of the death of the dog;
- (b) where the change of ownership of the dog has occurred, notify the Clerk within forty-eight hours of such transaction and provide the Clerk with the identity of the new owner and their address and telephone number;
- (c) take all reasonable steps to prevent the dog from engaging in the following actions:
 - (i) biting or attacking a person or domestic animal;
 - (ii) in the absence of any mitigating factor, the dog is behaving in a manner that poses a menace to the safety of persons or domestic animals.

Article 5 EXEMPTIONS

206.5.1 Exemptions - dog shows

Pit bulls that are not restricted dogs and who are not owned by a resident of Brantford, shall be allowed to be on site of and participating in an approved dog show, so long as the following conditions are met:

- (a) the pit bull is registered as a Staffordshire bull terrier, an American Staffordshire terrier or an American pit bull terrier with one or more of the dog registries named in Section 206.1.5;
- (b) the owner of a pit bull has given written notice to one of the dog registries named in Section 206.1.5 stating the owner's intention that the pit bull participate in approved dog shows; and
- (c) the event co-ordinator for an approved dog show shall provide the Clerk with notice of the event, dates, times, location and a list of pit bulls participating in the event. By-law 93-2005, 24 May, 2005.

Article 6 DOGS - LICENSING

206.6.1 Licence - required - by owner - immediately

Every person who is the owner of a dog, other than a service dog, shall immediately:

- (a) after the dog comes into his or her possession;
- (b) after the dog has reached the age of three months,

whichever is the later, cause the dog to be licensed for a period which will expire on the last day of December in the then current year.

206.6.1.1 Licence - fee - new dog

Any new dog six months of age or under shall be charged the altered rate, as set out in Schedule 'A', in the initial licensing year. To receive the altered rate thereafter, compliance with Section 206.6.4.1 is required.

206.6.2 Licence - required - annually - January 1

Every person who is the owner of a dog, other than a service dog, shall, before the first day of January, cause the dog to be again licensed for the one-year period commencing on January 1 and ending on the last day of December in that year. By-law 106-2008, 18 August, 2008.

206.6.3 Licence - issue - by licence agent - Treasurer

All dog licences shall be issued by the licence agent or the Treasurer.

206.6.4 Licence - issue - when fee paid - Schedule 'A'

Except as may be otherwise provided in this Chapter, a dog licence shall be issued upon payment of the annual licence fee prescribed in Schedule 'A' to this Chapter. By-law 93-2005, 24 May 2005.

[Next page is 206.19]

206.6.4.1 Licence fee - altered dog

All existing dogs in the City's Dog Licencing database identified as altered will be issued an annual licence upon payment of the applicable fee. After January 1, 2008, all newly acquired dogs or existing dogs altered after January 1, 2008, must provide the Licence Agent with a certificate from a licenced Ontario veterinarian attesting to the fact that the dog has been altered. By-law 129-2007, 13 August, 2007.

206.6.5 Tag - issued - fee paid

On payment of the licence fee, the owner shall be furnished with a dog tag.

206.6.6 Tag - serially numbered - information - year of issue

A tag shall bear a serial number and the year in which it was issued and a record shall be kept by the licence issuer showing the name and address of the owner and the serial number of the tag.

206.6.7 Tag - affixed to dog - exception

Every person who is the owner of a dog shall ensure that the dog tag furnished pursuant to Section 206.6.5 of this Chapter is affixed to the dog, and remains affixed to the dog, unless it is removed to replace an expired tag with a current tag or to administer medical treatment to the dog.

206.6.8 Tag - removal - prohibited - exception

No person shall remove a tag from a dog, other than to replace an expired tag with a current tag or to administer medical treatment to the dog.

206.6.9 Dog - unlicensed - deemed contravention

Every person who is the owner of an unlicensed dog, where said dog is required to be licensed pursuant to Section 206.6.1 or 206.6.2 is guilty of an offence.

206.6.10 Transfer - licence

Once a dog is licensed in a particular year, the licence can be transferred at no charge to any new owner. Upon the death of a licensed dog, the owner can transfer the licence to a new dog at no charge.

206.6.11 Transfer licence - prohibited

A licence transfer is prohibited for restricted dogs, potentially dangerous dogs and dangerous dogs.

206.6.12 Licence - required - dogs - reclaimed - purchased

Despite Section 206.6.1, every dog purchased or reclaimed from the pound shall have been licensed before it is removed from the pound, regardless of its age.

Article 7**DOGS - AT LARGE AND TRESPASS****206.7.1 Running at large - prohibited**

No person shall suffer, allow, or permit any dog of which he or she is the owner to run at large or trespass within the City of Brantford.

206.7.2 Dog - not under control - off owner's premises

A dog shall be deemed to be running at large or trespassing if found in any place other than the premises of the owner of the dog and not under the control of any person.

206.7.3 Contravention - capture - impoundment - authority

Any dog running at large contrary to the provisions of this Chapter may be captured and impounded by any police constable or Animal Control Officer.

206.7.4 Trespassing - capture - impoundment - permitted

Any person may capture any dog running at large and trespassing on their property and deliver the same to the Animal Control Officer, who shall impound the said dog.

206.7.5 Impoundment - redemption - within 72 hours - fee

All dogs impounded under the authority of this Article shall be taken to the City Pound, where they shall be kept confined, subject to the right of the owner to redeem the dog or dogs within seventy-two hours, exclusive of holidays, from the time of impounding by paying to the Poundkeeper the fees as set forth and described in Schedule 'A'.

206.7.6 Other penalties - liabilities- applicable

The payment of the fees as set out in Section 206.7.5 shall not be construed as relieving the owner or any other person of any liability to pay any other penalty which may become payable pursuant to the provisions of this Chapter.

206.7.7 Dog - not redeemed

Any dogs not redeemed by the owner within seventy-two hours, exclusive of holidays, from the time of impounding shall be disposed of in accordance with the *Animals for Research Act*, as amended.

206.7.8 Dog - at large - prevention

An owner of a dog, when the dog is on the property of the owner or on the property of some other person with that person's consent, shall keep the dog from leaving the property on its own by means of:

- (a) enclosure;
- (b) containment within a fenced area; or
- (c) physical restraint of the dog by chain.

206.7.9 Exception -farmland

Despite Section 206.7.8, an owner of a dog, when the dog is on property of the owner or on the property of some other person with that person's consent and the property consists of land that is assessed pursuant to the *Assessment Act* as farmland and are actually used for farm purposes, shall keep the dog from leaving the property on its own by any reasonable means.

206.7.10 Exception - agricultural land - restricted dogs

The provisions of Section 206.7.9, shall not apply to a restricted dog. By-law 93-2005, 24 May, 2005.

206.7.11 Exception - leash free park

The provisions of Section 206.7.2 are not applicable to dogs running within the confines of any City designated leash free park, and not previously designated as a restricted, potentially dangerous or dangerous dog. By-law 162-2006, 6 November, 2006.

Article 8**ANIMALS - AT LARGE AND TRESPASS****206.8.1 Running at large - trespassing - prohibited**

No person shall suffer, allow or permit any animal of which he or she is the owner, to run at large or trespass upon private property within the City of Brantford.

206.8.2 Contravention - capture - impoundment - authority

Any animal running at large or trespassing contrary to the provisions of this Article may be captured and impounded by any police constable or Animal Control Officer.

206.8.3 Trespassing - capture - impoundment - permitted

Any person may capture any dog running at large and trespassing on their property and deliver same to the Animal Control Officer, who shall impound the said animal.

206.8.4 Impoundment - redemption - within 72 hours - fee

All animals impounded under the authority of this Article shall be taken to the City Pound, (or such other suitable location as may be designated by the Poundkeeper) where they shall be kept confined, subject to the right of the owner to redeem the animal or animals within seventy-two hours, exclusive of holidays, from the time of impounding by paying to the Poundkeeper the fees set forth and described in Schedule 'A'.

206.8.5 Other penalties - liabilities - applicable

The payment of the fees as set out in Section 206.8.4 shall not be construed as relieving the owner or any other person of any liability to pay any other penalty which may become payable pursuant to the provisions of this Chapter.

206.8.6 Animal - not redeemed

Any animals not redeemed by the owner within seventy-two hours, exclusive of holidays, from the time of impounding shall be disposed of in accordance with the *Animals for Research Act*, as amended.

206.8.7 Exemptions - cats - dogs - banded pigeons

The provisions of this Article shall not apply to:

- (a) cats running at large;
- (b) dogs running at large; or
- (c) pigeons to which Section 206.9.2 applies.

Article 9**PIGEONS - KEEPING****206.9.1 Permitted - registered member - recognized group**

Section 206.4.2 shall not apply to prevent the keeping, harbouring, or possession of any number of pigeons by any person on any property within the City of Brantford if the person keeping, harbouring, or possessing the pigeons is a registered member in good standing of the Brant County Pigeon, Poultry, and Pet Stock Association Inc., the Brantford Racing Pigeon Club, or the Brantford Invitational Racing Pigeon Club; and the pigeons are being raised for exhibition at a *bona fide* agricultural exposition or for other competition.

206.9.2 Released for flight - not deemed at large - conditions

Article 8 shall not apply to pigeons released for flight where the following requirements have been satisfied:

- (a) the pigeons have been banded with an identifying leg-band issued or approved by the Brant County Pigeon Poultry and Pet Stock Association Inc., the Brantford Racing Pigeon Club, or the Brantford Invitational Racing Pigeon Club;
- (b) the pigeons are kept within a pen except during the permitted daily flight periods;
- (c) each pigeon is released for no more than two flights per day; and
- (d) only one-half of the number of pigeons kept by any one person are released for flight at any one time.

Article 10
CHICKENS - KEEPING

206.10.1 Permitted - registered member - recognized group

Section 206.4.2 shall not apply to prevent the keeping, harbouring, or possession of any number of male or female chickens by any person on any property within the City of Brantford if the person keeping, harbouring, or possessing the chickens is a registered member in good standing of the Brant County Pigeon, Poultry, and Pet Stock Association Inc., and the chickens are being raised for exhibition at a *bona fide* agricultural exposition.

206.10.2 Repealed: By-law 200-2005, 12 December, 2005

Article 11
PENS

206.11.1 Location - distance from other structures

Where any person keeps any animal in one or more pens on any property within the City of Brantford, that person shall locate all portions of such pen or pens at least 7.5 metres (24.6 feet) distant from the closest point on any outside wall of any school, church, or dwelling unit other than a dwelling unit occupied by the occupant of the land upon which the pen is located.

206.11.2 Clean - sanitary condition - at all times

Where any person keeps any animal in one or more pens on any property within the City of Brantford, that person shall keep and maintain all portions of such pens in a clean and sanitary condition.

206.11.3 Exemption - pen - conforming - prior to enactment

Sections 206.11.1 and 206.11.2 shall not require the relocation of any building, structure or other enclosure if such building, structure or other enclosure was lawfully being used as a pen on the day of the passing of the enabling by-law; but only for so long as the building, structure or other enclosure continues to be so used.

Article 12
PET STORES

206.12.1 Sale - prohibited animals - prohibited

No person who operates a business within the City of Brantford that includes the sale of pets or other animals shall sell, offer to sell, or otherwise make available in any way to any person any animal listed in Section 206.4.1.

206.12.2 Number limitations - not applicable

Sections 206.2.1, 206.2.2 and 206.2.3 shall not apply to prevent the keeping of any number of domestic cats, domestic dogs or domestic rabbits at a shop whose business includes the sale of pets.

206.12.3 Dogs - licensing - not required

The provisions of Article 6 shall not apply to require the licensing of dogs at a shop whose business includes the sale of pets.

**Article 13
ENFORCEMENT****206.13.1 Fine - for contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and upon conviction is liable to pay a penalty recoverable under the provisions of the *Provincial Offences Act*.

206.13.2 Contravention - pit bull

In addition to the loss of exemption provided by Section 206.4.3, when the owner of a pit bull has failed to comply with any of the conditions in Section 206.4.4 (b), (c), (d), (f), (g), (h), (j) and (k), the owner of the pit bull is guilty of an offence and upon conviction is liable to pay a penalty recoverable under the provisions of the *Provincial Offences Act*, as amended.

**Article 12
REPEAL - ENACTMENT - CONDITIONAL****206.12.1 By-laws - previous**

By-law 20-83 (as amended by By-laws 137-86 and 152-89) is hereby repealed.

206.12.2 Effective date - upon approval - set fines - exception

Section 206.12.1, shall come into force at midnight on the date which is one year from the date on which the enabling by-law was passed. By-law 93-2005, 24 May, 2005.

DOGS - OTHER ANIMALS

SCHEDULE

Schedule 'A' - Fees and penalties

1. DOG LICENCES FEES

Licence Fee (before January 1)		
	2009	2010
Altered	\$ 25	\$ 30
Unaltered	\$ 50	\$ 60
Senior - Altered	\$ 10	\$ 10
Senior - Unaltered	\$ 15	\$ 15
Replacement Tag	\$5	

Licence Fee (after January 1)		
	2009	2010
Altered	\$ 40	\$ 45
Unaltered	\$ 65	\$ 75
Senior - Altered	\$ 20	\$ 20
Senior - Unaltered	\$ 25	\$ 25
Service Dog	No Charge	

FEES FOR NEWLY ACQUIRED DOGS WILL BE PRO-RATED ON A MONTHLY BASIS

A new dog six months of age or under will be charged the altered rate in the initial licensing year. To receive the altered rate thereafter, compliance with Section 206.6.4.1 is required.

DOGS - OTHER ANIMALS

SPECIAL DESIGNATIONS BELOW - NO DISCOUNTED RATE

Additional requirements apply. Refer to By-law

Restricted Dog (Pit Bull-as per by-law)	\$ 30
Potentially Dangerous Dog	\$ 100
Dangerous Dog	\$ 250

2. IMPOUND AND MAINTENANCE FEES FOR ANIMALS

- (a) A minimum impound fee of \$30 plus a daily maintenance fee of \$5 per animal will apply. This minimum impound fee shall be in addition to any fine levied for an infraction of this Chapter.
- (b) An impound fee of \$100 per animal will apply to potentially dangerous dogs plus a daily maintenance fee of \$5 per animal will apply. This minimum impound fee shall be in addition to any fine levied for an infraction of this Chapter.
- (c) An impound fee of \$200 per animal will apply to dangerous dogs plus a daily maintenance fee of \$5 per animal will apply. This minimum impound fee shall be in addition to any fine levied for an infraction of this Chapter.
- (d) In addition to the above mentioned impound fees, the Poundkeeper shall be reimbursed for any and all additional expenses incurred, including but not limited to veterinarian care for the animal.

Schedule 'A' - Fees and Penalties of this Chapter shall become effective commencing with the 2009 licensing period; all other clauses in this Chapter will become effective immediately upon passage. By-law 106-2008, 18 August, 2008; Schedule 'A'.