

The Corporation of the Municipality of Brighton

By-Law No. 052-2020

Being a By-Law to Licence, Regulate and Control Dogs within the Municipality of Brighton

Whereas, pursuant to the Municipal Act 2001, S.O. c.25, Section 11(3) (9) Municipalities have the authority to pass by-laws with respect to animals;

And Whereas the Dog Owners Liability Act R.S.O. 1990 Section 18 creates offences and obligations for dog owners;

And Whereas, Section 434.1 (1) of the Municipal Act, without limiting sections 9, 10 and 11, a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-Law of the municipality passed under this Act;

And Whereas, Schedule "B" of this By-Law outlines the fees for the Dog Control By-Law as per the General Fees and Services By-law which may be amended from time to time by Council Resolution;

And Whereas the Council of the Municipality of Brighton deems it expedient to pass such a by-law for the licencing and registration of dogs and for the regulation of dogs within the Municipality of Brighton;

Now, therefore, the Council of the Corporation of the Municipality of Brighton **enacts as follows**:

Section 1.0 Definitions

1.1 For the purpose of this By-Law;

"Animal Control Officer" shall mean the person who has entered into a contract with the Corporation of the Municipality of Brighton to control animals, and any servants or agents of such a person;

"By-Law Enforcement Officer" shall mean the person appointed by the Municipality of Brighton for the purpose of enforcing By-Laws;

"Clerk" shall mean the Clerk of the Municipality of Brighton;

"Control" shall mean having at all times, the ability to manage, direct, restrict and restrain the movements of a dog;

"Council" shall mean the Council of the Corporation of the Municipality of Brighton;

"Dog" shall mean a male or female domesticated dog over the age of 16 weeks;

"Domestic Animal" shall mean and include, a dog, a cat, or any other mammal, bird or reptile being kept as a household pet, or is an animal bred, kept, or raised on a farm;

"Excessive Barking" shall mean when a dog creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person;

"Guide Dog" shall mean a dog professionally trained as a guide dog for a blind or visually impaired person and having the qualifications prescribed by the regulations under the Blind Person's Rights Act; and shall also include a dog professionally trained as a guide dog for other physically disabled persons;

"Injured" in respect of livestock or poultry shall mean injure by wounding, worrying or pursuing. Injured and injuring shall have a corresponding meaning;

"Kennel" shall mean an establishment kept solely, or in part, for the breeding, boarding, showing, training, owning or a combination of any of the aforementioned services, of more than 3 dogs, whether or not the activity is performed for financial gain, profit or personal;

“Leash” shall mean a restraining device of sufficient strength and material that is being used to hold a dog;

“Leashed” shall mean when a dog is wearing a restraining device of sufficient strength and material appropriate to the size of the dog, and is held or controlled by a person or object;

“Licence” for the purpose of this By-Law, shall be deemed to be the receipt issued by the Treasurer of the Corporation of the Municipality of Brighton or his/her authorized agent, upon payment of the appropriate tax or licence fee;

“Medical Officer” shall mean the Medical Officer of Health or Health Inspector of the Haliburton, Kawartha, Pine Ridge District Health Unit;

“Municipality” shall mean the Corporation of the Municipality of Brighton;

“Off Leash Areas” shall mean areas approved by the Municipality whether Public or Private where dogs are permitted to roam without a leash while still under the direct control of its owner or handler;

“Owner” means any person, partnership, association or corporation that owns, possesses, harbours, 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. Owner includes the person for the time-being managing or receiving the rent for the land or the premises in connection with which this word is used, whether on the person’s own account or as an agent or trustee of any other person or who would so receive the rent if such land and premises were let and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property;

“Person” shall mean any individual, firm, society, association, partnership or corporation;

“Possession or Harboring” shall mean deemed to occur when a person permits a dog to remain at or about or on the property or the premises which he/she owns or occupies or which is habitually kept on such property;

“Pound” shall mean such premises and facilities designated by the Corporation of the Municipality of Brighton as a Municipal Pound;

“Pound Keeper” shall mean a person, persons, association or society appointed by the Corporation of the Municipality of Brighton to maintain and administer the Pound;

“Restrained” shall mean being kept inside a building or house or in an enclosed pen of sufficient dimensions and strength to be humane or leashed to prevent a dog from coming in contact with any person other than the owner of the dog;

“Running at Large” shall mean a dog that is not on the property of the owner or other allowable location and not held on a leash;

“Waste” shall mean waste matter sent out from the body (excrement/feces); or a solid waste matter sent from the body;

“Yard” shall mean a space, appurtenant to a building or structure, located on the same property as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures, or uses as are specifically permitted;

“Zoning By-Law” shall mean the Municipality of Brighton Comprehensive Zoning By-Law Number 140-2002, as amended.

Section 2.0 Licencing

2.1 The owner of any dog aged four months or more shall obtain a licence for the dog by registering the dog with the Municipality and paying a fee as determined by the Municipality.

2.2 Every dog owner shall renew their dog licence annually with the Municipality effective January 1 of each calendar year. If it is determined by the Municipality that property owner is in possession of a dog and in violation of this section, a licence renewal invoice with double to fees will be sent to the property owner and

after 30 days of non-payment, the amount owing will be added to the property taxes.

- 2.3** When a dog is off the property of its owner, the owner shall ensure that the dog is fitted with a collar appropriate to the size of the dog, to which shall be attached the current licence tag issued by the Municipality of Brighton for that dog. This provision shall not apply to "Off Leash" areas when the dog is accompanied by and under the control of its owner or handler.
- 2.4** Disabled persons who use a guide dog or for assistance shall licence the dog, and cause it to wear the current licence tag. Any person who produces evidence satisfactory to the Municipality showing that the dog is required as a guide or for assistance by a disabled person shall be exempt from paying the licencing fee.
- 2.5** The Municipality shall keep a record of all dogs registered and licenced, showing the date and number of registration and licence, and the name and description of the dog, with the name and address of the owner.
- 2.6** If a dog is licenced in another jurisdiction for the current year, the owner shall advise the Municipality providing proof of such licencing.

Section 3.0 **Owners' Responsibilities**

- 3.1** If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such excrement/feces to be removed immediately and entirely and disposed of in an environmentally approved manner. This section shall not apply to a guide dog while on a leash and actually in use providing assistance to a disabled person.
- 3.2** No owner of a dog shall permit or cause the dog to cry or bark in a manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept.
- 3.3** In order for excessive barking to be in violation of this bylaw it must be:
- (i) frequent and persistent; and,
 - (ii) disturb the neighbourhood (more than one household).
- 3.4** a) No owner of a dog shall permit his or her dog to, without provocation:
- i) chase, bite, attack or kill any domestic animal;
 - ii) damage public or private property.
- b) If a dog has committed either section 3.4(a)(i) or 3.4(a)(ii), the owner of the dog may be subject to charges under the Dog Owners' Liability Act, R.S.O. 1990, c. D.16, as amended.
- 3.5** No person shall within the Municipality of Brighton permit his/her dog, or a dog under their care or control to run at large, except in designated Off Leash areas approved by the Municipality.
- 3.6** A dog shall not be considered to be running at large if it is a guide dog or a police work dog, or in cases where prior consent to permit the dog to be at large has been given by the person owning the land upon which the dog is found.
- 3.7** Any owner of a dog that has been seized or impounded shall pay a fee determined by the pound prior to the release of that dog.
- 3.8** Any owner of a dog that has been seized or impounded that has not obtained a licence for the dog for the current year, shall purchase a licence prior to the animal being released.

Section 4.0 **Unsanitary Conditions, Taunting Prohibited**

- 4.1** No person shall keep a dog in an unsanitary condition within the Municipality. Conditions shall be considered unsanitary where the keeping of a dog results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the dog or any person, or which disturb or is likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, hospital or commercial establishment.

- 4.2 No person shall harass, agitate, taunt, release, or attempt to release any dog which is at the time secured on the property of its owner, or the property of some other person authorized by the owner to be in possession of the dog.

Section 5.0 Kennel Permits

- 5.1 Kennel inspections will take place prior to issuing of a Kennel Licence. Kennel Licences must be renewed annually with the Municipality effective January 1 of each calendar year. No person shall operate a kennel without a licence.
- 5.2 No person or group of persons shall own, keep, harbour or possess more than 3 dogs' at one time on property owned, rented, leased or controlled by them unless the appropriate class of kennel permit has been lawfully issued for the property
- 5.3 a) Provided all provisions of this by-law have been met, a person who owns or boards more than three (3) dogs but no more than five (5) dogs may obtain a Class 1 Kennel Permit from the Municipality.
- b) Provided all provisions of this by-law have been met, a person who owns or boards more than five (5) dogs may obtain a Class 2 Kennel Permit from the Municipality.
- 5.4 The holder of a Kennel Permit will receive a dog tag free of charge for each dog kept at the kennel and the tag will be attached to that dog.
- 5.5 The 'Kennel' comprises all areas of the property (including buildings and run areas) to which the dogs have access.
- 5.6 Prior to issuing a licence, the By-law Enforcement Officer will review all new Kennel Applications submitted. The By-law Enforcement Officer shall ensure that the proposed kennel is compatible with the existing land uses of the subject and neighbouring properties. As such, additional conditions may be required to be satisfied prior to a kennel licence being issued.
- 5.7 a) **Class 1 Kennels:**
- i) More than three (3) dogs but no more than five (5) dogs residing on the same property at the same time, including for commercial or home industry purposes.
 - ii) No portion of the kennel, including the run area, will be closer than 50 metres (164 feet) of a neighbouring residence, dwelling unit, or residential zone.
 - iii) The kennel, including run area, must not be located closer to the street line than the principal or main building on the lot, and shall further be erected in conformity with the yard and setback requirements of the respective zone.
 - iv) If a property owner wishes to have 5 dogs and fails to meet the criteria outlined for a Class 1 Kennel Licence, the property owner can obtain written permission from their direct neighbors to have a Class 1 Kennel Licence for their 5 dogs. Written permission must be renewed annually.
- b) **Class 2 Kennels:**
- i) More than five (5) dogs residing on the same property at the same time, including for commercial or home industry purposes.
 - ii) No portion of the kennel, including the run area, will be closer than 300 metres (984 feet) of a neighbouring residence, dwelling unit, or residential zone.
 - iii) The kennel, including run area, must not be located closer to the street line than the principal or main building on the lot, and shall further be erected in conformity with the yard and setback requirements of the respective zone.
- 5.8 Kennels existing before January 2020 are grandfathered.
- 5.9 Where an owner or operator of a dog kennel fails to comply with any sections of this By-Law, the dog kennel licence may be suspended or revoked.
- 5.10 Every person who owns or operates a dog kennel shall permit a By-Law Enforcement Officer to enter and inspect the dog kennel at all reasonable times, upon production of proper identification, for the purpose of determining compliance with this By-Law.
- 5.11 Where a By-Law Enforcement Officer finds that the owner or operator of a dog kennel is not in compliance with any regulation of this By-Law, they may direct that

the dogs found there be seized and impounded by the Pound Keeper and kept at the Pound until compliance has been achieved. The cost of impoundment of the dogs shall be borne by the owner or operator of the dog kennel and the Pound Keeper shall retain possession of the dogs until full payment is received.

Section 6.0 **Impoundment**

- 6.1** Animal Control and By-Law Enforcement Officer may seize and impound:
- i) every dog found running at large;
 - ii) every dog not wearing a collar and tag while off the premises of the owner and not accompanied by a person responsible.
- 6.2** Where in the opinion of the Pound Keeper, in consultation with a veterinarian, a dog which has been seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanized humanely if reasonable efforts to locate the owner of the dog have failed.
- 6.3** Where a dog has been seized and impounded is injured or ill and is treated by a veterinarian, the Pound Keeper shall, in addition to any impoundment fees, be entitled to charge the person claiming the dog for the cost of the treatment.
- 6.4** During the impoundment period, the owner may claim the dog upon proof of ownership of the dog, and make payment to the Pound Keeper for:
- i) the appropriate licence fee where the dog is not licenced;
 - ii) maintenance fees (If applicable);
 - iii) veterinary fees (If applicable).
- 6.5** A dog that is impounded and not claimed by the owner may:
- i) be adopted for such price as has been established by the Pound Keeper, or
 - ii) be euthanized.
- 6.6** No person shall remove, or attempt to remove any dog from the possession of the By-Law Enforcement Officer, Animal Control Officer or Pound Keeper.

Section 7.0 **Severability**

- 7.1** In the event that any section of this By-Law, including any section or part of any of the schedules hereto, is declared by a Court of competent jurisdiction to be invalid, the remaining parts shall remain valid and binding and shall be read as if the offending section had been struck out.

Section 8.0 **Enforcement and Penalty**

- 8.1** The By-Law Enforcement Officer is responsible for the administration of this By-Law.
- 8.2** No person shall provide false information or give a false statement to an officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 8.3** No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 8.4** Any person who violates any provision of this By-Law is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O., 1990, c.p.33.
- 8.5** Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.
- 8.6** The penalties for violating sections of this By-Law are payable as per Schedule "A" which may be amended from time to time.

8.7 An Administrative Penalty may be issued if a person fails to comply with this By-Law. An invoice will be issued to the property owner and after 30 days of non-payment, the amount owing will be added to their property taxes.

Section 9.0 **Repeal**

9.1 That By-Law 062-2012, 287-2005 and 144-2003 is hereby repealed in it's entirety.

Read a first and second time and read a third time and finally passed this 1st day of June, 2020.



Brian Ostrander, Mayor



Candice Dolron, Clerk

Schedule "A" Set Fines – By-law 052-2020

**The Corporation of the Municipality Of Brighton
Part 1, Provincial Offences Act**

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Fail to register and licence dog 4 months or more after birth	Section 2.1	\$150.00
2	Failed to renew licence for current year	Section 2.2	\$150.00
3	Failure to remove dog waste/feces from public or private property	Section 3.1	\$250.00
4	Fail to prevent dog from disturbing the peace by barking or howling excessively	Section 3.2	\$250.00
5	Fail to prevent dog from biting or attacking	Section 3.4	\$500.00
6	Fail to prevent dog from running at large	Section 3.5	\$250.00
7	Keep dog in unsanitary conditions	Section 4.1	\$250.00
8	Harass, agitate, release or attempt to release any dog	Section 4.2	\$250.00
9	Operate a dog kennel without a licence	Section 5.1	\$300.00
10	Harbour more than 3 dogs	Section 5.2	\$300.00
11	Remove or attempt to remove dog from custody	Section 6.6	\$500.00
12	Provide false statement or information to By-Law Officer	Section 8.2	\$200.00
13	Hinder, Obstruct directly or indirectly By-Law Officer	Section 8.3	\$200.00

By-Law 052-2020, being a By-Law to Licence, regulate and control dogs within the Municipality of Brighton

Note: The general penalty provision for the offences listed above is section 8.4 of By-Law 052-2020 as amended, a certified copy of which has been filed.

Schedule "B" Set Fees – as per the General Fees and Services By-law
The Corporation of the Municipality Of Brighton
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within the Municipality of Brighton

Dog Licence - Natural Dogs	\$30.00
Dog Licence - Natural Dogs	\$35.00 (March 1 st and later)
Dog Licence - Spayed/Neutered Dog	\$20.00
Dog Licence - Spayed/Neutered Dog	\$25.00 (March 1 st and later)
Kennel Licence - Class 1	\$125.00
Kennel Licence - Class 2	\$150.00
Administrative Penalty	\$200.00