



## Municipality of Brighton

### Staff Report

**Meeting Date:** 13 May 2024

**To:** Mayor and Council

**Prepared By:** Allen Magee

**Reviewed By:** Paul Walsh

**Department:** Planning and Development

**Subject/Title:** Brighton Applefest - No pets permitted

---

#### **Recommendation:**

That Council receives the Staff report dated May 13th, 2024, being a By-Law to prohibited animals at the Brighton Applefest Event.

That Council authorizes the approval and execution of the No Animals at Applefest By-Law as outlined in Attachment #1 attached hereto.

#### **Background/Purpose:**

Resulting from the Applefest Advisory Committee meeting of January 17, 2024, a recommendation to Council was made to enact a Pet By-Law for the day of Applefest and Draft Applefest Advisory.

“Resolution 2024-3 Moved by Tiffany Fox Seconded by Councillor Emily Rowley that Applefest Committee requests that Council direct staff to create a by-law prohibiting pets on the Saturday of Applefest from 6 a.m. to 11 p.m., in the following locations:

- [Street Fair on Main Street \(from Prince Edward Street to Victoria Street\),](#)
- Memorial Park (adjacent Kingsley/Sanford Street. & Veteran's Way/ County Rd 2),
- Downtown Brighton - Children's Village,
- 75 Elizabeth Street - King Edward Park (in its entirety),
- Fire Station No. 1, 20 Elizabeth Street,

- Car Show at Brighton Public School, 24 Elizabeth Street.

And further that this By-law shall be in effect each year in perpetuity, as Applefest is a yearly event. Carried."

**Analysis/Comments:**

In response to the Committee resolution, Staff offer the following comments regarding the By-Law:

- Persons will be prohibited in bringing any domesticated animal to the Applefest event.
- Service animals that have training to perform specific tasks for people with disabilities and must be permitted at Applefest.
- Emotional support animals provide comfort and security. However, they do not have training for specific tasks. Therefore, emotional support animals do not qualify as service animals under the Accessibility for Ontarians with Disabilities Act (AODA).
- Signs must be placed at conspicuous places advising "No Animals Permitted". Municipal Staff will work with the Applefest committee members with placement of these signs.
- Staff will also recommend an amendment to the Administrative Monetary Penalty (AMPs) By-Law 070-2023 through the inclusion of a penalty table regarding the No Animals By-Law.

**Legal/Legislative:**

Municipal Act, 2001 S.O. 2001, CHAPTER 25

**Financial Implications:**

Approximately 30 signs at \$32.00 plus HST.

**Strategic Plan Alignment:**

- Public Safety

**Attachments:**

Attachment #1 – No Animals By-Law 000-2024

Attachment #2 – AMPs By-Law 000-2024 Amendment

---

## The Corporation of the Municipality of Brighton

### By-Law No. 000-2024

---

#### Being a By-Law to prohibit animals at the Applefest event held annually in the Municipality of Brighton

---

**Whereas** under Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (“the Municipal Act, 2001”), a municipality may pass by-laws respecting matters within its sphere of jurisdiction;

**And Whereas** Section 10(2) of the Municipal Act, S.O. 2001, c25, as amended, provides that a municipality may pass by-laws respecting animals;

**And Whereas** the Council of the Corporation of the Municipality deems necessary the prohibition of animals at the Applefest event to protect the safety of the residents and visitors of Brighton;

**Now Therefore** the Council of the Corporation of the Municipality of Brighton hereby enacts as follows:

#### **Section 1.0 Definitions**

1.1 For the purpose of this By-Law:

“**Animal**” shall mean any member of the animal kingdom, other than a human;

“**Applefest**” shall mean the Brighton Applefest event:

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

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

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

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

#### **Section 2.0 Prohibitions**

2.1 No Person shall escort or host the presence of an animal within locations of the Brighton Applefest event during the times of the Brighton Applefest event, particularly the premises as follows:

- a) Street Fair on Main Street (from Prince Edward Street to Victoria Street),
- b) Memorial Park (adjacent Kingsley/Sanford Street. & Veteran's Way/ County Rd 2),
- c) Downtown Brighton - Children's Village,
- d) 75 Elizabeth Street - King Edward Park (in its entirety),
- e) Fire Station No. 1, 20 Elizabeth Street,
- f) Car Show at Brighton Public School, 24 Elizabeth Street.

2.2 The times of the Brighton Applefest are those as scheduled by the Applefest Advisory Committee and posted on the website of the Municipality of Brighton.

**Section 3.0 Exemptions**

**3.1** Service Animals under the Accessibility for Ontario with Disabilities Act (AODA) are permitted at the Brighton Applefest event. Emotional support animals do not qualify as service animals under the AODA.

**Section 4.0 Enforcement and Penalties**

**4.1** This By-Law may be enforced by an Ontario Provincial Police Officer, Municipal Enforcement Officer and/or persons appointed to enforce this By-Law and other By-Laws, the day of the Brighton Applefest Event.

**4.2** 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.

**4.3** 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.

**4.5** An Administrative Penalty Notice may be issued if a person fails to comply with this By-Law.

**Section 5.0 Enactment**

**5.1** This By-Law shall come into force and take effect on the day it is passed.

Read a first and second time and read a third time and finally passed this 13<sup>th</sup> day of May 2024.

---

Brian Ostrander, Mayor

---

Candice Doiron, Clerk

The Corporation of the Municipality of Brighton

By-Law No. 000-2024

---

**Being a By-Law to amend and update By-Law 070-2023, Being a By-Law to Implement an Administrative Monetary Penalty System in the Municipality of Brighton.**

---

**Whereas**, the Municipality of Brighton is authorized under section 434.1 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, to establish a system of administrative penalties for contraventions of Municipal By-Laws;

**And Whereas**, section 434.2 of the *Municipal Act*, 2001, S.O. 2001, c. 25, provides that an Administrative Monetary Penalty imposed by the Municipality on a person constitutes a debt of the person to the Municipality;

**And Whereas**, sections 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001 authorizes the Municipality to delegate its administrative and hearing powers;

**And Whereas**, the Council for the Municipality is of the opinion that the delegations of legislative power under this By-law to the Director, Planning and Development, the Clerk, to Hearings Officers and to Screenings Officers are of a minor nature having regard to the number of people, the size of the geographic area, and the time period affected by the exercise of such delegated power;

**And Whereas**, Section 391 of the *Municipal Act* authorizes the Municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

**And Whereas**, the Council for the Municipality considers it desirable and necessary to provide for a system of administrative penalties and administrative fees for the designated Municipal By-Laws, or portions of the designated Municipal By-Laws;

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

1. The addition of Table 10: By-Law No. 000-2024, Being a By-Law to prohibit animals at the Applefest event held annually in the Municipality of Brighton.

This By-Law shall come into force and effect upon the date of final passing thereof.

Read a first, second and third time and finally passed this 13<sup>th</sup> day of May 2024.

---

Brian Ostrander - Mayor

---

Candice Doiron - Clerk

**Table 10: By-Law No. 000-2024, Being a By-Law to prohibit animals at the Applefest event held annually in the Municipality of Brighton**

Item	Column 1 – Designated Bylaw & Section	Column 2 - Short Form Wording	Column 3 - Administrative Penalty
1	# 000-2024 Section 2.1	Host or escort animal to Applefest	\$250.00
2	# 000-2024 Section 4.2	Provide false statement or information to By-Law Officer	\$250.00
3.	#000-2024 Section 4.3	Hinder, Obstruct directly or indirectly By-Law Officer	\$250.00