



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 340 - 2012

A By-law to amend Animal Control By-law 261-93, User Fee By-law 380-2003 and Brampton Appeal Tribunal By-law 48-2008, all as amended, to provide for the licensing of owners of hens and rabbits, to establish fees and to provide for appeals regarding the licensing of owners of hens and rabbits.

WHEREAS a lower tier municipality has power under Section 11(3)9 of the *Municipal Act* to pass by-laws respecting animals;

AND WHEREAS pursuant to Resolution C308-2012 approved by City Council on November 14, 2012, Council authorized an amendment to the Animal Control By-law 261-93, as amended, to provide for the licensing of owners of hens and rabbits; and to amend User Fee By-law 380-2003, to provide for an annual fee for the licence and inspections; and to amend Brampton Appeal Tribunal By-law 48-2008, to provide that any decisions of the Licence Issuer may be appealed to the Brampton Appeal Tribunal;

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS AS FOLLOWS:**

1. Section 1 (Definitions) of Animal Control By-law 261-93 is amended by adding the following:

"hen" means a female chicken;

"rabbit" means a domestic rabbit of either gender;

and replacing the definition of "licence" with the following:

"licence" means a pigeon owner's licence or hen and rabbit owner's licence;
2. Animal Control By-law 261-93 is amended by adding the following Section:
 - 3.1 (1) Council delegates to the Licence Issuer the power to issue, refuse to issue, renew, refuse to renew, cancel, revoke, or impose conditions on a Licence under this By-law.
 - (2) Council is of the opinion that the delegation under subsection 3.1(1) is minor in nature.

3. Section 11 Subsection (1) of Animal Control By-law 261-93 is replaced by the following:

“11. (1) Except as permitted by Sections 11(2), 14 and 14.1, no person shall keep, or permit to be kept, more than two:

pigeons,
rabbits,
domestic fowl, or
game fowl

on a lot.”

4. Animal Control By-law 261-93 is amended by adding the following Section:

“14.1 In addition to other requirements of this by-law and the Zoning By-law, the following are the rules for persons wishing to own more than two hens or rabbits:

- (1) No person shall keep more than two hens or rabbits on a lot unless a licence is obtained from the Licence Issuer.
- (2) For the purposes of this section:
 - a) The licensing period shall be for 12 months commencing on the day the licence is issued.
 - b) The applicant shall complete a licence application, file any information as may be required by the Licence Issuer and pay the required fee as set out in the User Fee By-law prior to a licence being issued.
 - c) The applicant shall provide notice to adjoining property owners that a licence for the keeping of hens and rabbits has been applied for. The notice shall include:
 - i) information regarding the numbers and types of animals to be kept; and
 - ii) information that the application may be objected to by sending an objection in writing to the Licence Issuer within 20 days of delivery of the notice.
 - d) notice under this section shall be deemed to be delivered:
 - i) in the case of mailed documents, four days following the mailing, as determined from the postmark,
 - ii) in the case of an emailed or faxed document, the day of emailing or faxing, unless the document is emailed or faxed after 4:30 p.m., in which case it will be deemed to have been delivered the following day,
 - iii) in the case of a document that is delivered in person, the date of delivery, provided the document is delivered before 4:30 p.m. If the document is delivered after 4:30 p.m., it will be deemed to have been delivered the following day.
 - e) The applicant shall provide the Licence Issuer with proof of delivery of the notice to adjoining property owners, in the form of a copy of the notice and affidavit that the notice has been delivered.
 - f) A licence shall not be issued for owners to keep more than two hens or rabbits on a lot of less than one acre in size.

- g) A licence shall be issued to an owner whose application meets all the requirements of this By-law except if the Licence Issuer is of the opinion that:
 - i) the issuance or the holding of a licence would be contrary to the public interest in respect of:
 - (1) the health and safety of any person or animal; or
 - (2) a nuisance affecting any land or person in Brampton;
 - ii) any application or other document provided to the Licence Issuer by or on behalf of the applicant contains a false statement, or provides false information;
 - iii) the applicant does not meet all the requirements of this By-law or any other City By-law.
 - h) In making a decision under subsection 14.1(2)(g)(i)(2), the Licence Issuer shall consider any objection received from an adjoining property owner regarding the proposed issuance of a licence for the keeping of hens and rabbits.
 - i) Where the Licence Issuer has refused to issue a licence, the applicant may appeal to the Brampton Appeal Tribunal in accordance procedures established by the Licensing By-law 1-2002.
 - j) When it considers an appeal under this By-law, the Tribunal shall not make any decision or finding that impacts an application for a minor variance.
 - k) Any person holding a licence under this section shall produce the licence upon the request of the Licence Issuer or animal control officer.
- (3) No person shall be licensed to keep more than ten hens or ten rabbits or a total of ten hens and rabbits in any combination.
 - (4) Notwithstanding Sections 14.1(1) and 14.1(3), a veterinarian who is keeping hens or rabbits for treatment or other purposes directly related to his or her practice of veterinary medicine is not subject to licensing requirements or maximum numbers of hens and rabbits.
 - (5) All hens and rabbits must be kept in an animal quarter located, constructed and maintained in compliance with Section 13 of this by-law, the Zoning By-law and any other applicable legislation.
 - (6) In addition to the requirements in Section 13, animal quarters must be located at least eight (8) metres (25 feet) from the rear lot line and at least eight (8) metres (25 feet) from any side lot line of the lot on which the animal quarter is located.
 - (7) Every owner of hens and rabbits shall permit entry on the lot for the purpose of enforcing this or any other City by-law and it is an offence to obstruct any City employee in the execution of his or her duties under this by-law.

5. Schedule C of User Fee By-law 380-2003 is amended by replacing:

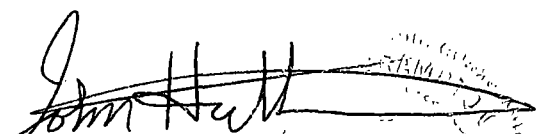
Pigeon Owner's Licence	\$30.00
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with the following:

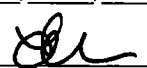
Pigeon Owner's Licence	\$50.00
Hens and Rabbits Owner's Licence	\$50.00

6. Section 7 subsection (3) of Brampton Appeal Tribunal By-law 48-2008 is amended by adding "and hens and rabbits" after "pigeons".
7. Section 14.1 of Brampton Appeal Tribunal By-law 48-2008 is amended by adding "and hens and rabbits" after "pigeons".
8. Section 30 subsection (5) of Schedule 1 to Brampton Appeal Tribunal By-law 48-2008 is replaced by the following:
 - (5) in the case of an appeal under the Animal Control By-law, the decision of the Licence Issuer;

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28th DAY OF NOVEMBER, 2012.


~~Susan Fennell, Mayor~~ JOHN HUTTON, ACTING MAYOR


 Peter Fay, City Clerk

Approved as to form.
 20/12/2012

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Approved as to content.
 28/Nov/2012
 Wendi Hunter
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