



BY-LAW 352-2005
AMENDED BY BY-LAW 171-2006
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THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 250-2005

To create a system of different licenses for dogs depending on whether the dog has exhibited menacing behavior, to establish an Animal Control Tribunal of Council, to allow for new enforcement procedures created by *Public Safety Related to Dogs Statue Law Amendment Act, 2005* and to repeal former Dog By-law 7-92

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 authorizes the council of a lower-tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 105 of the *Municipal Act* requires that Council afford dog owners hearings with respect to muzzle orders;

AND WHEREAS the *Public Safety Related to Dogs Statue Law Amendment Act, 2005* will come into force on August 29, 2005;

NOW THEREFORE, the Council of the Corporation of the City of Brampton ENACTS as follows:

DEFINITIONS:

1. In this by-law:

"Animal Control Officer" shall mean a person appointed as such by a by-law of the City, or any other person directed by the Commissioner to enforce this by-law, and includes the poundkeeper;

"Animal Control Tribunal" shall mean the committee of Council called the Animal Control Tribunal;

"City" shall mean the Corporation of the City of Brampton;

"Commissioner" shall mean the Commissioner of Community Services or his or her designate;

"Dangerous dog" means any individual dog that:

- (a) has, in the absence of any mitigating factor, attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) has significantly injured a domestic animal; or

- (c) having been previously designated as a potentially dangerous dog, is kept or permitted to be kept in violation of the requirements for such dog;

"Dog" shall mean a male or female dog;

"Guide Dog" shall mean a dog trained and certified for a guide for the blind, hearing impaired, or other handicap, and used as such;

"Kennel" shall mean:

- (a) a place where more than two dogs are kept for the purposes of show, training or breeding, or;
- (b) a place where more than two dogs are kept and cared for on behalf of the owners of the dogs;

"License Inspector" shall mean any person appointed by Council as a municipal law enforcement officer;

"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 an attack by 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, provoked, or tormented;

"Muzzle" means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting, yet still allows a dog to pant or drink (a basket type muzzle);

"Owner" of a dog includes a person who possesses or harbours a dog, and, where the owner is a minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning;

"Pit Bull dog" includes:

- (a) a pit bull terrier;
- (b) a Staffordshire bull terrier,
- (c) an American Staffordshire bull terrier,
- (d) an American pit bull terrier,
- (e) a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any of clauses (a) to (d);

"Police Work Dog" shall mean a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

"Potentially dangerous dog" means any individual dog that chases or approaches any person or domestic animal in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling;

"Pound" shall mean such premises and facilities designated as a City Animal Shelter and Pound;

"Poundkeeper" shall mean the person appointed as such by By-law of Council;

"Pure-bred" shall mean:

- (a) registered or eligible for registration in the register of The Canadian Kennel Club, Incorporated or;
- (b) of a class designated as pure-bred in any regulations passed pursuant to provincial legislation;

"Restricted pit bull" means a pit bull owned by a resident of Ontario on August 29, 2005 or born between August 29, 2005 and November 29, 2005;

"Tag" shall mean a metal tag indicating the year or number issued;

"Tribunal" shall mean the Animal Control Tribunal.

- 2. This by-law shall be administered and enforced by the Commissioner of Community Services, and by such other persons appointed to do so by by-law.

LICENSING

- 3. (a) Every calendar year, an owner of a dog shall ensure that any dog owned by him or her is licensed by the City.
- (b) The license shall be obtained before the 28th day of February of each calendar year, unless the dog came into the owner's possession or care after that date.
- (c) Every owner of a dog that comes into his or her possession after February 28th shall immediately obtain a license for the dog.
- (d) (i) The owners of a guide dog or a police work dog shall ensure that these dogs are licensed, but no fee is imposable for such dogs.
- (ii) The poundkeeper may require the owner of a dog to establish to his or her satisfaction that the dog is a guide dog or a police work dog.
- 4. In order to license a dog and obtain a tag, the owner of the dog must produce to the City satisfactory proof that the dog is currently inoculated against rabies.
- 5. (a) On payment of the license fee for a dog, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times, until the tag is replaced; except that the tag may be removed while the dog is being lawfully used for hunting deer in the bush.
- (b) The license fee in respect of any dog shall be as set out in User Fee By-law 380-2003.
- 6. (a) The tag that must be fixed on the dog pursuant to Subsection 5(a) shall be for the current calendar year.
- (b) If a dog dies, is destroyed, or is transferred to another owner, its tag shall be returned to the City.
- (c) No owner shall permit a dog to wear a tag other than the one issued for the dog.

- (d) If a tag is lost, a replacement may be obtained if the owner pays again the fee set out in User Fee By-law 380-2003, and the City is satisfied that a proper tag for that dog has already been issued by the City for the current calendar year.
- 7. (a) Before the 28th day of February of each year, the owner of any kennel shall pay the kennel license fee, as set out in User Fee By-law 380-2003.
- (b) Where the owner of a kennel has complied with the requirements of paragraph (a) of this Section, the kennel owner is not required to obtain an individual license for each dog kept at the kennel.
- (c) Kennels may only be licensed if they are located where kennels are permitted by the zoning by-law.

KENNELS

- 8. Any person or persons who keep more than three dogs, which are aged over three months, at one location, must obtain a kennel license.
- 9. Every person who applies for a kennel license or operates boarding facilities for animals shall comply with the following requirements:
 - (a) The kennel building shall be in a separate building and shall not be attached to any building used or capable of being used for human habitation.
 - (b) The kennel building and its location shall conform to the zoning by-law and the Ontario Building Code and the building shall be maintained in damage-free condition.
 - (c) The kennel building shall have a floor of concrete or other impermeable material, and shall have a drain opening constructed as a plumbing fixture.
 - (d) The kennel floor shall be thoroughly cleaned daily, or more often if necessary.
 - (e) Any cage shall be adequately sized to allow the animal to extend its legs to their full extent, to stand, sit, turn around, or lie down in a fully extended position.
 - (f) Cages are to be constructed solely of metal, or wire, or partly of wire, and shall have metal or other impermeable bottoms, which shall be cleaned and washed daily, or more often, if necessary.
 - (g) The kennel building shall have:
 - (i) electric lighting;
 - (ii) windows which may be opened for proper ventilation;
 - (iii) a heating system sufficient to adequately heat the building;
 - (iv) hot and cold running water; and
 - (v) a food preparation area.
 - (h) Where animals are permitted to use an outside area, there shall be constructed around such area, a solid board fence having a height of at least 1.3 metres (four feet), and the wall of an adjacent building may be included as part of such fenced-in area. A fenced-in area shall not be

required where the outside area is more than 60.96 metres (200 feet) from all property lines.

- (i) Where a clipping and grooming service is performed, it shall be carried out in the kennel building only.
10. Every person who holds a kennel license or operates boarding facilities for animals, shall comply with the following requirements:
- (a) The license shall be exposed at all times in a conspicuous place in the interior of the premises.
 - (b) The premises shall be maintained in a sanitary, well ventilated, clean condition, and free from offensive odours.
 - (c) The animals shall be kept in sanitary, well bedded, well ventilated, naturally lighted, clean quarters and a healthful temperature shall be maintained at all times.
 - (d) The animals shall be adequately fed and watered and kept in a clean, healthy condition, free from vermin and disease.
11. The License Inspector and any person designated by the License Inspector may inspect any place where the animals are kept, pursuant to this by-law.
12. If the kennel is found not to conform, to the requirements set out herein, the License Inspector may direct that the animals be seized and impounded and may revoke the license issued to the kennel.

NUMBER OF DOGS

13. (a) Subject to Subsection 13(b), no person may keep or permit to be kept at any one time, more than three dogs older than three months per dwelling unit or location.
- (b) Subsection 13(a) does not apply to the poundkeeper, or the owner of:
- (i) a licensed kennel;
 - (ii) an animal hospital;
 - (iii) an animal hospital operated by a veterinary surgeon, or
 - (iv) a pet store;
 - (v) a registered research facility or supply facility under the *Animals for Research Act*; or
 - (vi) a pound.

RUNNING AT LARGE

14. (a) Every dog owner shall ensure that his or her dog does not run at large within the City of Brampton.
- (b) A dog running at large may be seized by any person, who shall deliver the dog to an animal control officer.
- (c) Any dog running at large may be seized and impounded, and may be sold or destroyed by the poundkeeper.
- (d) For the purpose of this by-law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner, and not under the control of any person.

- (e) Subsection 14(a) does not apply to police work dogs, when these dogs are in the course of performing their duties.
15. The poundkeeper may destroy, or cause, or permit to be destroyed, any dog that has been impounded in the pound where:
- (a) The person that owned the dog before it came into the possession of the poundkeeper has requested in writing that the dog be destroyed;
 - (b) An inspector under the *Animals for Research Act* or a veterinarian has ordered that the dog be destroyed under that Act;
 - (c) During the redemption period, the dog is in the pound and is ill or injured, and in the poundkeeper's opinion, is incapable of being cured or healed as to live thereafter without suffering.

LEASHING

16. (a) Every owner of a dog shall keep the dog leashed and under the control of a person when the dog is on land in the City, other than the owner's property, unless prior consent is given by the person owning the land on which the dog is found.
- (b) This Section does not apply to guide dogs or police work dogs, when these dogs are in the course of performing their duties.
17. (a) In this section "owner" includes a person having temporary control over a dog.
- (b) In any off-leash area of each park listed in Subsection (c), the following provisions shall apply:
- i) Every owner shall clean up after his or her dog.
 - ii) No owner shall bring to the off-leash area any potentially dangerous dog, dangerous dog, pit bull, or any dog, which has a history of aggressive behaviour to other dogs or human beings.
 - iii) Each dog must be vaccinated.
 - iv) Every owner of a dog shall ensure the dog is wearing a collar and current City License at all times.
 - v) No puppy under four months of age is permitted.
 - vi) Each dog shall be spayed or neutered.
 - vii) No dog shall be left unattended.
 - viii) Each owner shall carry a leash for each dog at all times.
 - ix) There shall be a limit of 3 dogs per person per visit.
 - x) Children under ten years of age are prohibited.
 - xi) Each dog shall be leashed when it enters or leaves the park.
 - xii) Each owner assumes all risks by entering into the park.

- (c) Brampton off-leash parks
- White Spruce Park
 - Chris Gibson Park.

KEEPING OF DOGS

18. Any building, structure, pen or run used or intended to be used for the keeping of a dog shall be at least 2 metres (6.5 feet) from the boundary of the property upon which it is located.

IMPOUNDMENT

- 19. The poundkeeper may release an impounded animal to the owner, if the owner has provided satisfactory identification and paid the fees as set out in User Fee By-law 380-2003, plus any damages, fines, expenses, veterinary care, and costs of any vaccination or immunization.
- 20. Any impounded animal not wearing a tag for the current year, may, at the discretion of the poundkeeper, be given an inoculation to provide temporary immunization against distemper or any other contagious or infectious disease.
- 21. In the case of inoculations under Section 20, the poundkeeper is authorized to charge impounding and other fees as set out in User Fee By-law 380-2003.

STERILIZATION

- 22. (a) Any person who adopts a dog from the City shall ensure that the dog is sterilized by a veterinarian of the owner's choice, within 42 days of adoption, or by the time the dog becomes six months of age, whichever occurs first.
- (b) Where a veterinarian is of the opinion that the surgery is detrimental to the health of the dog, which opinion is provided in writing to Animal Services, the dog is exempt from sterilization.
- (c) After sterilization, a rebate of \$50 will be provided to any person adopting a dog from the City, provided that proper documentation is furnished to the Animal Services Section within six months of sterilization.

OWNERS TO TAKE PRECAUTIONS

- 23. The owner of a dog shall exercise reasonable precautions to prevent it from:
 - (a) biting or attacking a person or domestic animal; or
 - (b) behaving in a manner that poses a menace to the safety of persons or domestic animals.

DESIGNATION AS POTENTIALLY DANGEROUS or DANGEROUS DOGS

- 24. After receiving a complaint of a potentially dangerous or dangerous dog, the poundkeeper may investigate, and upon being satisfied that grounds exist, may designate the dog as a potentially dangerous or dangerous dog.
- 25. Where the poundkeeper has designated a dog as a potentially dangerous or dangerous dog, the owner may appeal to the Tribunal, by written notice delivered to the poundkeeper, and filed with the Tribunal within fifteen days after the City has sent the owner the decision to designate the dog.
- 26. The Tribunal may extend the time for the giving of notice by the owner under Section 25 either before or after such time, if it is satisfied that there are apparent grounds for appeal and there that there are reasonable grounds for applying for the extension.
- 27. Where an owner appeals to the Tribunal under Section 25, the Tribunal shall hear the appeal by way of a new hearing under the *Statutory Powers Procedure Act* to determine whether the dog is dangerous or potentially dangerous and may, after the hearing confirm, or alter the designation, or direct that the owner

do anything under this by-law, as the Tribunal considers proper and for such purpose may substitute its opinion for that of the poundkeeper.

28. Notwithstanding that an owner has appealed to the Tribunal under Section 25, the designation of the poundkeeper in Section 24 is effective until the appeal is disposed of.
29. The parties to the appeal are the poundkeeper, the owner, and such other persons as the Tribunal may specify.
30. The decision of the Tribunal is final.
31. No member of the Tribunal or its staff is personally liable for anything done by it, or him or her under authority of this by-law.

RESTRICTIONS RELATING TO POTENTIALLY DANGEROUS DOGS

32. No person under the age of eighteen years shall own a potentially dangerous dog. Where a dog that is designated as a potentially dangerous dog is owned by a person under the age of eighteen years at the time of designation, the parent or guardian of that person shall be deemed to be the owner.
33. (a) No person shall transfer ownership of a potentially dangerous dog without first having obtained the consent of the poundkeeper. The poundkeeper will give consent unless he or she is satisfied that the transferee is unlikely to fulfill one or more of the conditions listed under Section 34 of this By-law or any requirement of the *Dog Owners Liability Act* or regulations or orders thereto.
 - (b) Section 33(a) does not apply to a transfer to a pound or a research facility registered under the *Animals for Research Act*.
34. Every owner of a potentially dangerous dog shall ensure that the dog is:
 - (a) licensed by the City of Brampton annually, with the fee paid in accordance with User Fee By-law 380-2003;
 - (b) implanted with an identification microchip;
 - (c) sterilized before the dog reaches six months of age or within 30 days of being so designated, or in the case of a pit bull, before October 29, 2005. The owner shall provide proof of sterilization on demand of the animal control officer;
 - (d) equipped with a muzzle and secured by a leash at all times in accordance with Section 34(g);
 - (e) Section 34(d) does not apply when the potentially dangerous dog is within enclosed property occupied by the owner of the potentially dangerous dog;
 - (f) When the potentially dangerous dog is within enclosed property occupied by a person who consents to the potentially dangerous dog being off leash or off muzzle, Section 34(d) does not apply to the extent of that consent;
 - (g) For the purposes of Subsection 34(d), a potentially dangerous dog shall be equipped with a muzzle and secured by a leash in accordance with the following rules:
 1. The potentially dangerous dog shall be fitted with a collar or harness that is properly fitted to and placed on the dog.

2. The movement of the potentially dangerous dog shall be controlled by a person by means of a leash attached to the collar or harness on the potentially dangerous dog.
 3. The leash is not more than 1.8 metres (5 feet, 10.85 inches) in length and is attached to the collar or harness.
 4. The collar or harness, the leash, and the attachment between the leash and the collar or harness are all strong enough to prevent the potentially dangerous dog from breaking any of them.
 5. The mouth of the potentially dangerous dog is covered by a muzzle that is humane and that is strong enough and well-fitted enough to prevent potentially dangerous dog from biting, without interfering with the breathing, panting or vision of the potentially dangerous dog or with the potentially dangerous dog's ability to drink.
- (h) Not left unattended, except where the dog is securely contained inside the owner's home or within a yard of the property that is enclosed by a fence that is no less than two metres (6.5 feet) in height, is securely locked, and is constructed in a fashion so as to prevent the dog from escaping or breaking out from the property.
35. After August 29, 2005, it is an offence for every owner of a potentially dangerous dog to fail to produce evidence to the poundkeeper or an animal control officer, when requested to do so, that the potentially dangerous dog is microchipped in accordance with this by-law.
 36. After October 29, 2005, it is an offence for every owner of a potentially dangerous dog to fail to produce evidence to the poundkeeper or an animal control officer, when requested to do so, that the potentially dangerous dog or pit bull is sterilized in accordance with this by-law.
 37. Every owner of a potentially dangerous dog shall display, in a conspicuous place at the entrance to the owner's premises, a warning sign indicating the presence of a potentially dangerous dog.
 38. No person shall breed or permit to be bred a potentially dangerous dog.
 39. No person shall abandon a potentially dangerous dog other than to a pound operated by, or on behalf of a municipality in Ontario, or to a registered research facility or supply facility under the *Animals for Research Act*.
 40. No person shall allow a potentially dangerous dog in his or her possession to stray.
 41. No person shall train a potentially dangerous dog for fighting.

DANGEROUS DOGS

42. Sections 32 (adult owner), 33(a) (transfer without consent of the poundkeeper), 34(a) (licensing), 34(b) (microchip), 34(c) (sterilization), 34(d), 34(e) 34(f), 34(g) (muzzling and leash), 34(h) (fencing), 35 (proof of microchipping), 36 (proof of sterilization), 37 (signs), 38 (breeding), 39 (abandonment), 40 (allow to stray) and 41 (train for fighting) apply to dangerous dogs, with necessary

wording changes. The following additional or more specific restrictions shall also apply:

- (a) In addition to the fencing requirements in Section 34(h), an owner of a dangerous dog shall only leave the dog unattended outside of the owner's home, when the dog is contained in a six-sided pen, which pen includes a top and bottom and is located at least two metres (6.5 feet) from any property line.
 - (b) The warning sign required by Section 37 shall warn of a dangerous dog.
 - (c) The owner of a dangerous dog shall maintain liability insurance for any injuries to a person or domestic animal caused by the dog, in the minimum amount of \$25,000.00. The owner shall also produce proof of such insurance, to an animal control officer, when requested to do so.
43. Every owner of a dangerous dog who is unable or unwilling to meet the requirements of this by-law shall surrender such dog into the care and control of the poundkeeper for humane euthanasia.

PIT BULLS

44. No person shall own any pit bull born after November 29, 2005.
45. No person shall own any pit bull that was transferred to him or her, unless the transfer was in accordance with Section 33.
46. Sections 32 (adult owner), 33 (transfer), 34(a) (licensing), 34(b) (microchip), 34(c) (sterilization), 34(d), 34(e) 34(f), 34(g) (muzzling and leash), 34 (h) (fencing), 35 (proof of microchipping), 36 (proof of sterilization), 38 (breeding), 39 (abandonment), 40 (allow to stray) and 41 (train for fighting) apply, with the necessary changes, to owners of pit bulls.

The requirements of Sections 34(d), 34(e) 34(f), 34(g) (muzzling and leash), 34 (h) (fencing), 35 (proof of microchipping), 36 (proof of sterilization) take effect on October 29, 2005.

The requirement of Section 34(a) (licensing) shall be interpreted to require an annual fee for any pit bull after August 15, 2005, except for pit bulls that were validly licensed with a lifetime license on August 15, 2005, and such license cannot be transferred in accordance with Subsection 6(b).

47. No person shall permit a pit bull to enter or remain in a designated off-leash area of a park in the presence of other dogs.
48. No person shall transfer ownership of a pit bull without first having obtained the consent of the poundkeeper.
49. Every owner of a pit bull who is unable or unwilling to meet the requirements of this by-law shall surrender such dog into the care and control of the poundkeeper for adoption or humane euthanasia.
50. When a pit bull has bitten or caused injury to a human or domestic animal, the owner shall surrender it to the poundkeeper. The poundkeeper may either:
- (a) humanely euthanize it, in the poundkeeper's sole discretion; or
 - (b) designate the dog as a dangerous dog.

In addition or in substitution, the poundkeeper may also charge the owner under the *Dog Owners' Liability Act* or this by-law.

EXCREMENT

- 51. (a) Every owner of a dog shall remove forthwith any excrement left by the dog on any property including highways.
- (b) Subsection 51(a) does not apply to persons reliant on a guide dog or persons in control of a police work dog, when such dog is in the actual execution of its duties.

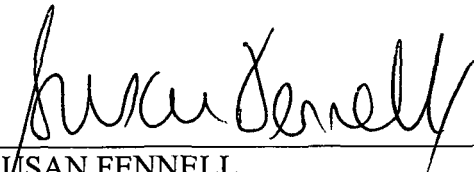
PENALTY

- 52. Every person who contravenes any of the provisions of this by-law is guilty of an offence, and is liable, upon conviction, to a penalty of not more than five thousand (5,000.00), exclusive of costs, in respect of each offence.

REPEAL OF FORMER DOG BY-LAW

- 53. By-law 7-92, as amended, is repealed.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this 15th day of August 2005.

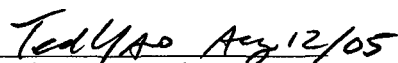


 SUSAN FENNELL
 MAYOR



 LEONARD J. MIKULICH
 CLERK

Approved as to form and content



 Ted Yao, Counsel