

**THE CORPORATION OF THE TOWNSHIP OF BROCK
BY-LAW NUMBER 3304-2024**

**BEING A BY-LAW TO AMEND THE "ANIMAL CONTROL BY-LAW" (2446-2012-PP)
AS AMENDED, TO PROVIDE FOR THE LICENSING AND REGULATION OF
CERTAIN ANIMALS WITHIN THE TOWNSHIP OF BROCK**

WHEREAS on the 3rd day of December 2012, the Municipal Council of the Corporation of the Township of Brock ("Council") enacted By-law 2446-2012-PP the "Animal Control By-Law", being a by-law to provide for the licensing and regulation of certain animals within the Township of Brock; and

WHEREAS Council deems it appropriate to amend the existing "Animal Control By-Law" 2446-2012-PP;

NOW THEREFORE, the Council of The Corporation of the Township of Brock enacts as follows:

1. That Clause I – Definitions, is hereby amended to remove the following definitions:

"Guide Dog" means a dog which serves as a guide or leader for a person with a disability and which has been especially trained for that purpose.

"Working Dog" means a dog for sporting or hunting where such dog is registered with a bona fide sporting, hunting or working dog club.

"Livestock Guardian Dog" (LGD) means a dog that works with domestic farm animals for protection from predators and is used exclusively for that purpose.

"Herding Dog" means a dog that has been trained and is actively being used in a bona fide farming operation for the purpose of controlling livestock.

"Order to Restrain" shall mean an order issued to the owner of a dog to adhere to certain restrictions with respect to the methods to be used in restraining his or her dog.

2. That Clause I "Definitions" is hereby amended, and the following definitions be inserted in alphabetical order, and the definitions be re-numbered accordingly:

"Animal Shelter" – A facility operated by or for the Township of Brock for the keeping, maintenance and disposition of stray and admitted animals.

"At Large" – An animal found on any other property than that of the owner of the animal, and not under the control of the owner except where the owner of the property permits the animal to be on his or her property.

"Attack" – An act of aggression towards a person or domestic animal causing injury.

"Bite" – Piercing or puncturing the skin as a result of contact with an animal's tooth or teeth.

"Bird Feeding Device" - Any instrument, tool, appliance or thing meant or intended to hold food for birds.

"Dangerous Act" – Any bite, attack, act of menacing behaviour or any combination of a bite, attack, or act of menacing behaviour

"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 having been previously designated as a potentially dangerous dog, is kept, or permitted to be kept in violation of the requirements for such dog.

(c) a dog that has been determined to be a dangerous dog pursuant to Clause IV. Dogs that have bitten, attacked, or pose a menace and that determination has not been rescinded pursuant to Clause V.

"Dangerous Dog Review Hearing" - An adjudicative Board made up of Council Members, not being more than quorum as per the Procedural By-law, or an appointed Committee of Council which shall hear appeals under 10(18).

"Dog" means a male or female dog over the age of twelve (12) weeks but does include the following:

(a) Working Dog means a dog for sporting or hunting where such dog is registered with a bona fide sporting, hunting, or working dog club.

(b) Livestock Guardian Dog (LGD) means a dog that works with domestic farm animals for protection from predators and is used exclusively for that purpose.

(c) Herding Dog" means a dog that has been trained and is actively being used in a bona fide farming operation for the purpose of controlling livestock.

"Domestic Animal" – is an animal that has been tamed and kept by humans as a work animal, food source, or pet. Domestic animals include household pets and livestock.

"Extreme Weather" – A cold warning, heat warning or other weather warning

issued by Environment Canada for the area surrounding the Township of Brock.

"Feed" - Providing food to, or leaving food for consumption by, wildlife, but does not include:

- (a) keeping compost in accordance with Township by-laws;
- (b) keeping food in a bird feeding device in compliance with this by-law;
- (c) providing water to a domestic animal; or
- (d) growing fruits and vegetables in gardens.

"Hearing" means an adjudicative Board made up of Council Members, not being more than quorum as per the Procedural By-law, or an appointed Committee of Council which shall hear appeals within this by-law.

"Keep" – to have temporary or permanent control or possession of an animal.

"Keeping" has the same meaning

"Menacing Dog means any dog the Canine Control Officer considers may pose a threat to any person, stock, poultry, domestic animal or protected wildlife due to observed or reported behaviour.

"Potentially dangerous dog" means any dog based upon specific behaviors exhibited by the dog, li that is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or domestic animal, and/or that causes physical injury to a domestic animal or person.

"Service Animal" means an animal described in subsection 80.45(4) of O. Reg.191/11, under the Accessibility for Ontarians with Disabilities Act, 2005, S.O.2005, C.11.

"Songbird" - A bird belonging to the oscine division in ornithology

"Tag" means a disc or other shape of metal or plastic furnished by the Township bearing a serial number and year of issuance as hereinafter provided and suitable to be securely fixed on a dog.

"Tether" shall mean a rope or chain or similar restraining device that prevents an animal from moving beyond a localized area, and the words "tethered" and "tethering" have a similar meaning.

"Wildlife" An animal that belongs to a species that is wild by nature, but does not

include domestic animals or feral or stray cats

3. That Clause II – Licensing, subsection (4) is hereby amended to read as follows:

- (4) At the time of issuance of the license by the Township, the owner, if required by the Township license issuer, shall provide a certificate duly signed by a veterinarian certifying that each dog for whom the license is proposed to be issued:
- (a) has been inoculated with an anti-rabies vaccine within a period of twelve (12) months immediately preceding the date of such application for license;
 - (b) and is neutered or spayed if it is represented by the owner that the dog is neutered or spayed.
 - (c) and that the dog is micro-chipped as required for the issuance of a life-time dog license tag, and a dangerous dog license tag.

4. That Clause III– Animal Control, Sub-Section 10 is removed in its entirety and is hereby amended to read as follows:

Dogs that pose a menace, have bitten or attacked

10. (1) Every owner of a dog shall exercise reasonable precautions to prevent the dog from engaging in a dangerous act.
- (2) Where a Canine Control Officer and/or designate has reason to believe that a dog has engaged in a dangerous act against a person or domestic animal, they and or a canine control officer may:
- (a) Where the dangerous act is the first on record with the Township, serve the owner of the dog with a written warning.
 - (b) Despite Subsection 10(2)(a), if it is the officer's opinion that the dangerous act is severe, determine the dog to be a dangerous dog or a potentially dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog or a potentially dangerous dog under Section 10(9).
- (3) Where the dangerous act is the second or subsequent dangerous act on record with the Township, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under section 10(9).
- (4) Where the dangerous act occurred while the dog was the subject of a notice

to muzzle or notice of caution under this By-Law or any of its predecessors, or a control order under the Dog Owners Liability Act, determine the dog to be a dangerous dog and serve the owner of the dog with an order to comply with the requirements for owners of a dangerous dog under section 10(9).

Dog acting in self-defence

- (5) Prior to the determination that a dog is a dangerous dog, the officer shall have regard to whether the dog was acting in self-defence at the time the dangerous act occurred.
- (6) Despite Subsections 10(2), (3) and (4), where an officer concludes that the dog was acting in self-defence at the time the dangerous act occurred, the officer may determine that the dog is not a dangerous dog and may determine that no order to comply shall be issued.
- (7) Where an officer has concluded that a dog was acting in self-defence and elected not to issue an order to comply under Subsection 10(9), that dangerous act will not be counted when determining if subsequent dangerous act is the second or subsequent on record with the Township under Subsection 10(3).
- (8) Where the Dangerous Dog Review Hearing concludes that a dog was acting in self-defence at the time a dangerous act occurred and rescinded the determination of a dangerous dog on that basis, that dangerous act will not be counted when determining if a subsequent dangerous act is the second or subsequent on record with the Municipality under Subsection 10(3).

Dangerous dog requirements; order to comply

- (9) Where an owner is served with a dangerous dog order to comply pursuant to Section 10(9) of this By-Law, the owner shall, at the owners' expense and for the life of the dangerous dog, ensure:
 - (a) The dangerous dog is muzzled at all times when off the owner's property.
 - (b) The dangerous dog is not permitted to enter into a designated leash-free area of a Township Park at any time.
 - (c) That a dangerous dog tag is purchased from the Township, the dangerous dog tag fee specified in the "Fees By-law", is paid and the dangerous dog is wearing the dangerous dog tag provided by the Township at all times.
- (10) That a warning sign is posted on the owners' private property in the form and location required by the Canine Control Officer or his/her designate.

- (11) That the dangerous dog is microchipped.
- (12) That arrangements are made with the Township to enable the Township to collect a photograph of the dangerous dog and any other necessary identifying information; and
- (13) That the dangerous dog receives training in the form required by the Canine Control Officer or his/her designate within 90 days of the order to comply being served on the owner.
- (14) An owner shall provide proof of compliance to the satisfaction of the Canine Control Officer or his/her designate within 14 days of achieving compliance with each of the following requirements:
 - (a) The microchipping requirement contained in Section 10(11); and
 - (b) The training requirement contained in Section 10(13)
- (15) This section shall not apply if the order to comply has been rescinded in Accordance with Section 10(18)
- (16) The Canine Control Officer or his/her designate will create and maintain a public record listing the following information from all served dangerous dog orders to comply:
 - (a) owner's forward sorting area (first three digits of postal code);
 - (b) owner's ward number.
 - (c) dog name, dog breed and dog colour; age and
 - (d) date of the dangerous act.
- (17) The Canine Control Officer or his/her designate will post the information in Section 10(16) in a map and easily searchable format with and any other information deemed important by the Canine Control Officer or his/her designate.

Appeal to the Dangerous Dog Review Hearing

- (18) An owner of a dangerous dog or potentially dangerous dog who is served with an order to comply under Section 10(9) may apply for a hearing to appeal an officer's determination---of a dangerous dog or potentially dangerous dog. The Dangerous Dog Review Hearing may:
 - (a) confirm the determination of a dangerous dog or potentially dangerous

dog; or

(b) rescind the determination of a dangerous dog or potentially dangerous dog and exempt the owner from compliance with 10(9)

- (19) In deciding whether to confirm or rescind the determination of a dangerous dog or potentially dangerous dog pursuant to Section 10(18), the Dangerous Dog Review Hearing may consider whether the dog was acting in self-defence when the dangerous act leading to the order to comply under Section 10(9) occurred.
- (20) To receive a hearing, the owner must mail or deliver to the Dangerous Dog Review Hearing within 30 days after a copy of an order to comply pursuant to Section 10(9) is served on the owner, notice in writing requesting the hearing, accompanied by the applicable fee in the amount specified in accordance with the "Fees By-law", as amended from time to time.
- (21) Although a request for hearing may be requested, an order to comply pursuant to Section 10(9) and the requirements for owners under Section 10.9) take effect when the order to comply is served on the person to whom it is directed.
- (22) A hearing shall be held pursuant to the provisions of the Statutory Powers and Procedures Act, R.S.O. 1990, Chapter S.22, as amended in the time, date and place set out in the order to comply.
- (23) Hearings under Section 10(18) shall be heard by a panel comprised of a minimum of three members from the Dangerous Dog Review Hearing.

Transition

- (24) Where a dangerous act occurs prior to the passing of the amendments in this by-law, the requirements and provisions of any by-law applicable on that date shall continue to apply with respect to that dangerous act.
- (25) Where a dangerous act occurs on or after the passing of the amendments to this by-law, the requirements and conditions of Section 10(9) shall apply.
- (26) Despite Sections 10(24) and (25), a dangerous act which occurred prior to the passing of the amendments to this bylaw, shall constitute a dangerous act on record with the Township for the purpose of any subsequent dangerous act under this by-law.

4. That Clause IV – Care of Animals, Section 13 is hereby amended by adding the following subsections and shall read as follows:

13. (1) Every person who keeps, harbours, maintains, or possesses a dog or cat shall provide such animal, or cause it to be provided, with a clean and sanitary environment free from an accumulation of fecal matter, adequate and appropriate care, food, water, shelter, warmth, opportunity for physical activity, attention, veterinary care as may be required, and an environment that is appropriate to meet the physical and behavioural needs of the animal.
- (2) No person shall keep any animal in the Township tethered on a chain, rope or similar restraining device of less than three metres in length.
- (3) Every person who has tethered an animal shall ensure, at all times, that the animal has unrestricted movement within the range of the tether, and that the animal cannot suffer injury resulting from the tether.
- (4) A person who has tethered an animal shall ensure that the animal is tethered in a manner that constrains the animal to the property to which the animal is tethered.
- (5) Despite Section 13(2),(3), and (4), no person shall keep an animal tethered where a choke collar, choke chain, pronged collar or any similar device forms part of the tether.
- (6) No person shall tether an animal unsupervised for longer than one hour.
- (7) No person shall allow an animal to remain outdoors during extreme weather unless the animal has access to an enclosure that will adequately protect the animal from the elements.
- (8) No person shall feed or attempt to feed wildlife, or permit the feeding of wildlife on their property, except:
 - (a) An officer, licensed trapper, authorized wildlife rehabilitator or employee of a licensed pest management operator or exterminator leaving food as bait to catch wildlife as part of their professional duties.
 - (b) A person feeding wildlife as part of a research program undertaken by a university, college, government research body or wildlife research institution.
 - (c) A person fishing in accordance with a valid provincial licence.
 - (d) A person feeding songbirds as follows:
 - (i) the food intended for the songbirds is placed in a bird feeding device that is sufficiently above grade so as to not attract or be

accessible to wildlife.

- (ii) the bird feeding device is located on private property, and the property owner or occupant has given permission for the installation and use of the bird feeding device.
- (iii) any food spilled from the bird feeding device is removed in a timely manner such that it does not attract other wildlife; and
- (iv) the bird feeding device is kept in sanitary condition and in good working order.

5. That Clause V – Administration is removed, and the following Clause is hereby added, with the following Sub-Sections, and all subsequent Clauses within the By-law re numbered accordingly:

V - Offences

14. (1) Every person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction, be liable to a penalty as prescribed by the Provincial Offences Act, R.S.O. 1990, chapter P.33. 16.
- (2) When any provision of the by-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty imposed by the by-law, the court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted pursuant to the provisions of section 327 of the Municipal Act, R.S.O. 1990, chapter M.45, as amended.
- (3) Every person who contravenes any provision of this By-Law may be liable, in addition to the fine provided for in Section 14(1),(5) or (6) or a combination of the foregoing, every person who gains an economic advantage or economic gain from contravening this By-Law shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- (4) In addition to offences referred to in 14(1), every person is guilty of an offence under this by-law who:
- (a) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this by-law.
 - (b) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under this by-law.
 - (c) Knowingly makes, participates in, assents to or acquiesces in the

provision of false information in a statement, affidavit, application or other document prepared, submitted, or filed under this by-law.

- (d) Everyone person who fails to comply with an order issued under section 10(9).
 - (5) Each offence in Section 14(4) is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
 - (6) Where a corporation contravenes any of the provisions of this chapter, every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine of no more than \$25,000.
 - (7) Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
6. That a New Clause VI – Entry to Inspect is hereby added, with the following Sub-Sections, and all subsequent Clauses within the By-law re-numbered accordingly:

VI – Entry to Inspect

15. (1) In accordance with section 436(1) of the Municipal Act, 2001, S.). 2001, c. 25, an officer may enter upon land within the Township at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
- (a) this by-law; or
 - (b) a direction, notice or order issued in accordance with this by-law.
- (2) For the purposes of an inspection under section 15(1), an officer may:
- (a) Require, for inspection, the production of documents or things relevant to the inspection.
 - (b) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them.
 - (c) Require information from any person concerning a matter related to the inspection.

- (d) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
- (e) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

7. That a New Clause VII – Orders to Comply is hereby added, with the following Sub-Sections, and all subsequent Clauses within the By-law re-numbered accordingly:

VII - Orders to comply

16. (1) An officer who finds a contravention of this by-law may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention.
- (2) An order may be of immediate effect should the Canine Control Officer or his/her designate determine that a delay would result in circumstances that endanger the health or safety of any person, animal, or similarly serious consequences.
- (3) An order or any other notice or document may be served:
- (a) personally, on the person to whom it is directed.
 - (b) by registered mail to the last known address of that person, in which case It shall be deemed to have been given on the 5th day after it is mailed; or
 - (c) by email, at any email address determined by the Canine Control Officer or his/her designate to be related to the person, in which case it shall be deemed to have been given on the day it is emailed.
- (4) If there is evidence that a person is not the registered property owner or occupant of land, which is the subject of the order, the order or any other notice or document may be served on both the registered property owner or occupant and the person.
- (5) If the address of the person is unknown, the Township is unable to effect service on the person under section 16(3), or the delay necessary to serve an order or any other notice or document under section 16(3) would result in circumstances that endanger the health or safety of any person, animal, or similarly serious consequences, a placard stating the terms of the order and placed in a conspicuous place upon or near to land within the Township shall be deemed to be sufficient notice to the registered property owner or occupant of that land.

Remedial action

- (6) If a person fails to comply with an order to do work to correct a contravention of this by-law, the Canine Control Officer or his/her designate, may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

That this By-law comes into force and effect on January the 1st, 2025

Enacted and passed this 16th day of December 2024.

Mayor
Walter Schummer

Clerk/Deputy CAO
Fernando Lamanna

DRAFT