This is an office consolidation of By-Law 174-10 and amendments thereto. For accurate reference you should consult the original by-laws that are retained by the Clerk

BY-LAW NUMBER 174-10 (As amended by 53-11, 47-12, 71-16, 11-25, 58-25 & 119-26)

-of-

THE CORPORATION OF THE COUNTY OF BRANT

To provide for the licensing and regulation of animals in the County of Brant

WHEREAS Section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS Section 10(2) paragraph 9 of the *Municipal Act, 2001* permits municipalities to pass by-laws respecting matters within the sphere of jurisdiction of “animals”;

AND WHEREAS Section 11.1 of the *Municipal Act, 2001* defines “animal” to mean any member of the animal kingdom, other than a human;

AND WHEREAS Section 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues.

AND WHEREAS Section 8(3) of the *Municipal Act, 2001* provides that a by-law under sections 10 and 11 respecting a matter may regulate or prohibit respecting the matter; and, as a part of that power, require persons to do things respecting the matter, and to provide for a system of licenses respecting the matter;

AND WHEREAS subsection 434.1 of the Municipal Act, 2001 provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Subsection 434.2(1) of the Municipal Act, 2001 provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality.

AND WHEREAS Section 103 of the *Municipal Act, 2001*provides specifically that a by-law may provide for the impounding of animals;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT hereby enacts as follows:

SHORT TITLE
ANIMAL CONTROL AND DOG LICENSING BY-LAW

Part 1
DEFINITIONS

1.1 Definitions
In this By-law:

Animal – defined
"animal" shall mean any member of the animal kingdom other than a human;

Animals for Research Act – defined
"*Animals for Research Act*" shall mean *Animals for Research Act* - R.S.O, 1990, c. A22, as amended;

Animal Control Officer - defined
"*Animal Control Officer*" shall mean a person appointed as such as indicated in Schedule A and any Police Officer and any Municipal Law Enforcement Officer whose duties include the enforcement of this By-law;

Assistance *Dog* – defined
"assistance dog" shall mean a guide *dog* within the meaning of the *Blind Persons' Rights Act*, a hearing ear *dog*, where a certificate is produced from a recognized training establishment stating the *dog* is being used as a hearing *assistance dog,* a working *dog,* where a certificate is produced from a recognized establishment stating that the *dog* is being used as a working dog to assist a disabled person; is used for search and rescue or law enforcement; or is a member of Therapeutic Paws of Canada.

Aviary - defined
"*Aviary"* means a cage, building or enclosure for the keeping or raising of species of birds that are not listed as prohibited in Schedule B.

***Backyard Hen* – defined**
"Backyard Hen" means a domestic female egg laying chicken (Gallus gallus Domesticus) that is at least 4 months old.

***Bite* - defined**
"*bite*" shall mean the breaking, puncturing or bruising of the skin of a person or a domestic *animal* caused by the tooth or teeth of a *dog*;

***Boarding* – defined**
"*boarding*' shall mean the keeping of a *dog* for any period of time for remuneration;

***Boarding Facility* - defined**
"*boarding facility*" shall mean any building, structure, *dog* run or other facility or part thereof, other than a *dwelling unit*, that provides for the *boarding* of three or more *dogs* that are not owned by the operator, but does not include a *veterinary facility,* Provincial Animal Welfare Services, the *Ontario SPCA* or *affiliated society*;

***Cat* – defined**
"*cat*" shall mean a feline of the species Felis catus and includes both male and female of the species;

Certificate of Registration – defined

"certificate of registration" shall mean a certificate of registration issued by an association incorporated under the *Animal Pedigree Act, R.S.C.,1985, c. 8 (4th Supp.)* for an *animal* of a distinct breed or issued by the Canadian Kennel Club, American Kennel Club or by the United Kennel Club;

***County* - defined**
"*County*" shall mean The Corporation of the County of Brant;

***County* of Brant – defined**
"*County of Brant*" shall mean the lands within the boundaries of the Corporation of the County of Brant;

***Distress* – defined**
"distress" means the state of being in need of proper care, water, food, or shelter or being injured, sick or in pain or suffering or subject to undue or unnecessary hardship, privation or neglect;

***Dog* - defined**
"*dog*" shall mean a canine of the species canis familiaris and includes both male and female of the species;

***Dog Owners' Liability Act* – defined**
"*Dog Owners' Liability Act*" shall mean *Dog Owners' Liability Act*, R.S.O. 1990, Chapter D.16, as amended;

***Dog tag* – defined**
"dog tag" shall mean the identification tag bearing the *dog tag* number that has been assigned to the *dog* for the duration of its lifetime and is issued upon first registration or in replacement of a lost *dog tag*.

Dog license-defined
"dog license" shall mean a *license* issued for a *dog* pursuant to section 4 of this By-law as evidenced by the *license* records of the *County* ;

Domestic Animal defined
"domestic animal" means an animal that is kept under human control either by habit or training and lives in association with human beings;

***Dwelling unit* - defined**
"*dwelling unit*" shall mean a suite of one (1) or more habitable rooms used by one (1) or more individuals living together, in which cooking, eating, living, sleeping and sanitary facilities are provided, which has a private entrance directly from outside the building, from a common hallway or from a common stairway and which has been legally established as a separate *dwelling unit* in accordance with the *County* Zoning By-law;

"***Feed or Feeding Defined***
"Feed or Feeding" means the deliberate act of furnishing or making available food or other substances which is likely to be consumed by stray, feral, wild or abandoned animals and for the purpose of the bylaw, food found on a property is deemed to have been furnished by the property owner.

Household pet –defined

"household pet" means a *domestic animal* that is taken into the care of one or more persons for the purpose of personal enjoyment or protection which normally spends time in the *dwelling unit* of the owner and shall include but not be limited to caged birds, caged rodents or rabbits, *cats*, *dogs*, tropical fish and non-poisonous indigenous reptiles but shall not include *livestock, backyard hens* or any animal listed as a prohibited animal in Schedule B;

Hunting / Sporting Kennel –defined
"*hunting / sporting kennel*" shall mean any building, structure, *dog* run or other facility, or part thereof, other than a *dwelling unit* that provides shelter for three or more *dogs*, that are routinely entered into *dog* sled or other similar races or hunting events or other authorized sporting competitions;

***Kennel* – defined**
"*kennel*" shall mean *Boarding Facility*, *Purebred Kennel* or *Hunting / Sporting Kennel*, but does not include a *veterinary facility*, Provincial Animal Welfare Services, the *Ontario SPCA* or *affiliated society*;

***Kennel License* – defined**
"*kennel license*" shall mean a *license* issued for a *Boarding Facility*, *Purebred Kennel*, or *Hunting / Sporting Kennel*, pursuant to section 7 of this By-law as evidenced by the *license* records of the *County*;

***Kennel Owner* – defined**
"*kennel owner*" shall mean the *person(s)* who is the registered owner of the property on which the *kennel* is located or the *person(*s) operating the *kennel* and whose name appears on the *kennel license*, and except with respect to a *Boarding Facility*, includes the *person(s)* who appears as the registered owner of the *dogs* kept therein, on a *Certificate of Registration* as defined herein;

License – defined
"license" when used in reference to a *dog* shall mean a *dog license*, when used in reference to a *pit bull* shall mean a *pit bull license* and when used in reference to a *kennel* shall mean a *kennel license*;

***License Agent* - defined**
"*License Agent*" shall mean any person authorized by the *County* to issue *dog licenses* or *pit bull licenses,* on behalf of the *County*;

***Licensing Officer* – defined**
"*Licensing Officer"* shall mean the person employed by the *County* as the *Licensing Officer*;

***Livestock* – defined**
"*Livestock*" means animals as listed in Table 1 of the Minimum Distance Separation (MDS) (Publication 853), Ministry of Agricultural, Food and Rural Affairs as amended and includes swine, cattle, veal, goats, sheep, horses, chickens, turkeys, quail, partridges, pheasants, squab, rheas, emus, ostriches, donkeys, peking ducks, muscovy ducks, geese, rabbits, chinchillas, fox, mink, bison, llama, alpaca, wild boar, white tailed deer, red deer, fallow deer, elk/deer hybrids and other animals; and any eligible livestock species of the Ontario Ministry of Agriculture Food and Rural Affairs Ontario Wildlife Damage Compensation Program Guidelines as amended, and any animal listed in Ontario Regulation 329/11 under the Protection of Livestock from Dogs Act, R.S.O. 1990, c. L.24, as amended; and any animal listed as a "Farm Animal" in Regulation SOR/2000-233 Compensation for Destroyed Animal Regulation passed pursuant to the *Health of Animals Act, S.C. 1990, c. 21*, as amended; and any other species of animal or bird

prescribed by the Ontario Ministry of Agriculture Livestock and Rural Affairs as livestock. For greater certainty, this definition excludes licensed *backyard hens* in non-urban residential zones pursuant to the County of Brant Backyard Hens By-law as amended or any successor thereto.

***Multiple Dwelling* – defined**
"multiple dwelling" shall mean a dwelling containing more than three *dwelling units;*

***Ontario SPCA*– defined**
"Ontario SPCA" means the Ontario Society for the Prevention of Cruelty to Animals;

***Person* – defined**
"person" includes an individual or individuals, or a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law, and for the purpose of this by-law also includes any *person* whose name appears as the *registered owner* of the subject *dog, any person who harbours, keeps, has charge of, possesses or is an owner of the* subject *animal,* the registered owner or occupant of the property where the subject *animal* is being kept or harboured, and where the person is a minor, the person or persons responsible for the custody of the minor;

***Pet shop* - defined**
"*pet shop*" shall mean an establishment lawfully engaged in the retail sale of *animals*;

***Physically restrained by any person* – defined**
"*physically restrained by any person*", when used in reference to *dog*s shall mean held securely by the said person on a leash not exceeding 3 metres in length**,** or confined to a cage, kennel or the interior of a vehicle from which the *dog* cannot escape, providing that such confinement is under the direction or supervision of either the *registered owner*, a person designated by the *registered owner*, a peace officer or Municipal Law Enforcement Officer and provided that the dog is not by reason of such confinement in apparent physical distress or exposed to the risk of imminent physical harm;

***Pit bull* – defined**
"*pit bull*" includes
(a) a *pit bull* terrier,
(b) a Staffordshire Bull Terrier ,
(c) an American Staffordshire 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 (b) to (d), having regard to the breed standards established for Staffordshire Bull Terriers, American Staffordshire Terriers or American Pit Bull Terriers by the Canadian Kennel Club, the United Kennel Club, the American Kennel Club or the American Dog Breeders Association;

***Pit bull License* – defined**
"*pit bull license*" shall mean a *license* issued for a *pit bull* pursuant to section 5 of this By-law as evidenced by the *license* records of the *County* ;

***Poundkeeper* - defined**
"*Poundkeeper*" means the individual, partnership or corporation, authorized by the *County* to operate the *pound*;

***Premises* - defined**

"*premises*" includes the lands and structures on a separately assessed parcel of land but does not include a *multiple dwelling*;

***Pound* - defined**
"*pound*" means a *premises* that is used for the detention, maintenance or disposal of *animals* that have been impounded pursuant to this by-law or the *Dog Owners' Liability Act*;

***Provincial Animal Welfare Services* – defined**
"Provincial Animal Welfare Services (PAWS)" means the Provincial Animal Welfare Act, 2019, S.O. 2019, c. 13 and includes the Chief Animal Welfare Inspector or his or her designate, including deputy Chief Animal Welfare Inspector or another animal welfare inspector with delegated authorities;

***Purebred* - defined**
"*purebred*" means a *dog* recognized as *purebred* of a distinct breed, by the Canadian Kennel Club, or by the American Kennel Club, or by the United Kennel Club or by any other association incorporated under the *Animal Pedigree Act, R.S.,1985, c. 8 (4th Supp.);*

***Purebred Kennel* - defined**
"purebred kennel" shall mean any building, structure, *dog* run or other facility, or part thereof, other than a *dwelling unit*, where *purebred dogs* as defined by this by-law, are kept, bred or sold;

***Registered Owner* - defined**
"*registered owner*" means the *person* who's name appears on the *license*;

***Run at large* - defined**
"*run or running at large*" shall mean to be found or to have been found, not physically restrained by any *person,* in any place other than the *premises* of the *registered owner* or the *person* that owns the *animal*, unless found on private property with the consent of the owner or occupant of such property or when used in referenced to a *dog*, unless found in any area designated as an off leash area by the *County*, while under the supervision of the *registered owner* or a person designated by the *registered owner;*

***Sterilize* – defined**
"*sterilize*" means to spay or neuter and "*sterilized*" has a corresponding meaning;

***Veterinarian* – defined**
"Veterinarian" shall mean a member of the College of Veterinarians of Ontario or means a person registered under the *Veterinarians Act,* R.S.O. 1990*,* c. V.3;

***Veterinary Facility* - defined**
"*veterinary facility*" means a building, land or vehicle or any combination of them used or intended to be used as a place in or from which to engage in the practice of veterinary medicine;

***Wildlife* – defined**
"*wildlife*" shall mean an *animal* indigenous to Canada that belongs to a species that is wild by nature.

Part 2
APPLICATION OF BY-LAW

2.1 Exceptions

Sections 3.1, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.16, 3.19 and 3.20 of this By-law shall not apply to *animals* kept, in compliance with the *County* zoning bylaw and:

(a) at a *veterinary facility* owned or operated by a *veterinarian* who holds a license to engage in the practice of veterinary medicine issued under the *Veterinarians Act*, R.S.O. 1990, c. V.3.;
(b) at a research facility registered under the *Animals for Research Act*;
(c) at the *Ontario SPCA or* an Affiliated Society as defined in the *Ontario Society for Prevention of Cruelty to Animals Act, R.S.O. 1990, c O.63*, as amended;
(d) at a zoo accredited by the Canadian Association of Zoos and Aquariums;
(e) at a pound as defined in the *Animals for Research Act*;
(f) pursuant to a license issued by the Ministry of Natural Resources or other provincial or federal government authority.
(g) at a facility operated by or on behalf of the Provincial Animal Welfare Services (PAWS).

2.2 Exception – Pet shop

Sections 3.1, 3.8, 3.9, 3.10, 3.11, 3.12, 3.13, 3.19 and 3.20 of this By-law shall not apply to *animals* kept in a *pet shop*.

2.2.1 Exceptions – Film Policy

Relief from certain provisions of this By-law may be granted for a film project carried on in accordance with an approved and valid Film Permit or Film Location Agreement issued under the County of Brant Film Policy.

Part 3
PROHIBITED MATTERS AND DUTIES

3.1 Keeping - more than 3 dogs –prohibited

(a) Except as otherwise provided in this by-law, no *person* shall keep or permit to be kept more than three *dogs* at any *premises*.

(b) With respect to a *multiple dwelling* , no *person* shall keep or permit to be kept more than three *dogs* in or about any *dwelling unit*.

3.2 Exception - licensed dogs prior to enactment

Despite section 3.1, a p*erson* who on the date of passage of this By-law**,** kept or permitted to be kept more than three *dogs* at a *premises* or in or about any *dwelling unit* the onus of proof resting upon said *person,* for which valid *dog licenses* were issued*,* may continue to keep the said *dogs* until they are no longer in the possession of said *person*, provided the said *dogs* are *licensed* and provided that the *dogs* so *licensed* are not replaced unless said replacement will not continue the ownership of more than three *dogs*, and provided the keeping of said *dogs* does not contravene the *Dog Owners' Liability Act*.

3.3 Puppies - number - not limited - 90 days following birth

Despite section 3.1 of this By-law, puppies may be kept with the mother for a period not exceeding 90 days following birth.

3.4 Kennels - registered - number dogs - not limited

Section 3.1 of this By-law shall not apply with respect to any *dogs licensed* pursuant to a *Purebred* or *Hunting / Sporting Kennel license*, or with respect to *dogs* kept in a *licensed Boarding Facility* that are owned by a *person* other than the *registered owner* of the *licensed Boarding Facility*.

3.4.1

Despite Section 3.1 of this by-law, a person may keep more than three (3) dogs at a premises, provided the person is keeping sheep upon the same premises, the premises is on land that is zoned agricultural, the person provides proof of registration issued in their name by the Ontario Sheep Marketing Agency, and provided that the dogs are licensed annually in accordance with Section 4.3 and the number of dogs being kept at the premises does not exceed six (6) dogs, unless it can be demonstrated by the person that a greater number than six (6) dogs is necessary to provide adequate protection for the sheep being kept at the premises.

3.5 *Dog Running at large* – prohibited

No *person* shall permit a *dog* to *run at large.*

3.6 *Dog – not under control – Fail to Confine* – prohibited

No *person* shall fail to take reasonable precautions to prevent a *dog* from *running at large*. For the purpose of this section reasonable precautions means:

(a) keeping the *dog* in an enclosure; or
(b) the physical restraint of the *dog*; or
(c) restraint by properly functioning mechanical means.

3.7 Private property - entry - without consent – prohibited

No *person* shall permit a *dog* to enter onto private property without the consent of the property owner or occupant.

3.8 Unregistered *dog*- unlicensed – prohibited

No *person* shall fail to *license* a *dog*.

3.9 Unregistered *Pit bull*- unlicensed – prohibited

No *person* shall fail to *license* a *pit bull*.

3.10 Fail to notify - change

No *registered owner* of a *dog* shall fail to notify the *Licensing Officer* forthwith upon the death or change of ownership or change of address of the *dog*.

3.11 Tag - lost - failure to replace – prohibited

No *person* shall fail to replace a lost *dog tag*.

3.12 Tag - not securely affixed to *dog* – prohibited

No *person* shall fail to keep the *dog tag* securely affixed to the *dog* for which it was issued, except while the *dog* is being lawfully used for hunting, provided the name of the *registered owner* of the *dog* and their phone number is written on the *dog's* collar.

3.13 *Kennel* - operation - without *license* – prohibited

No *person* shall fail to *license* a *kennel*.

3.14 Excrement - failure to remove - dispose – prohibited

No *person* shall fail to forthwith remove and sanitarily dispose of *dog* excrement left by a *dog* in their possession, anywhere within the *County of Brant*, except where the excrement is left by an *assistance dog* during the performance of their duties.

3.15 Dog *bite* prohibited

No *person* shall fail to exercise reasonable precautions to prevent a *dog* from, biting or attacking a person or *domestic animal* or behaving in a manner that poses a menace to the safety of persons or *domestic animals*.

3.16 Keeping of Animals Prohibited

No *person* shall keep or permit the keeping of any *animal* listed in Schedule B.

3.16.1 Section 3.16 does not apply to prohibit the keeping of *livestock* in compliance with the *County* Zoning By-law.

3.16.2 Section 3.16 does not apply to prohibit the keeping of pigeons provided said keeping is within an *aviary* and in compliance with the *County* Zoning By-law.

3.16.3 Section 3.16 does not apply to prohibit the keeping of *backyard hens* in compliance with the Backyard Hens By-law.

3.17 Sale of Prohibited Animals

No *person* shall sell, offer to sell, permit the sale, or otherwise make available in any way to any *person* residing within the *County of Brant*, any of the *animals* listed in Schedule B.

3.18 *Livestock*– appropriate zoning required

No *person* shall keep or permit the keeping of any *livestock* or *backyard hens* anywhere in the *County of Brant*, unless said keeping is a permitted use in the *County* Zoning By-law.

3.19 *Cat* Control- keeping - more than 3 - prohibited

(a) Except as otherwise provided in this by-law, no *person* shall keep or permit to be kept more than three *cats*, over the age of eight (8) weeks, at any *premises*.

(b) Except as otherwise provided in this by-law, with respect to a *multiple dwelling* , no person shall keep or permit to be kept more than three *cats* in or about any *dwelling unit*.

(c) Section 3.19 (a) does not apply to *cats* that are kept on lands zoned agricultural and used for agricultural operations as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1.

(d) Section 3.19 (a) and 3.19 (b) do not apply to prohibit the *feeding* of colonies of community *cats* that have been trapped, *sterilized*, vaccinated and released to the location from which they were removed as part of an approved TNR program as set out in Schedule C, provided the *cats* are identified by ear-tipping and are being *fed* in accordance with the guidelines of the approved TNR organization.

(e) Section 3.19(a) and 3.19(b) do not apply to prohibit the fostering of one (1) adult cat and up to nine (9) kittens under the age of twelve (12) weeks as part of program sponsored by the *Ontario SPCA or* Affiliated Society, provided the *cats* are vaccinated if age appropriate and are not permitted to *run at large*.

(f) Section 3.19(a) and 3.19(b) do not apply to prohibit the keeping of *cats* in a kennel approved in accordance with and operating in compliance with the *County* Zoning By-law.

3.19.1 No *person* shall permit any *livestock* to *run at large.*

3.19.2 No *person* shall permit a *backyard hen* to *run at large*.

3.19.3 In accordance with the authority granted in section 1 of the *Pounds Act, R.S.O. 1990, Chapter P. 17*, sections 5., 6., 8., 9., 10., 11., 12., 15., 16., 17., 18., 19., 20., 21., and 22. of the *Pounds Act, R.S.O. 1990, Chapter P. 17* do not apply.

3.20 Limits unspecified household pets

(a) Except as otherwise provided in this by-law, no *person* shall keep, or permit to be kept, more than three of any one species of *household pet*, at any *premises* unless such keeping is in compliance with the *County* Zoning By-law.

(b) Except as otherwise provided in this by-law, with respect to a *multiple dwelling*, no *person* shall keep, or permit to be kept, more than three of any one species of *household pet*, in or about any *dwelling unit*, unless such keeping is in compliance with the *County* Zoning By-law.

3.21 Exemption – animals kept prior to enactment

Section 3.19, and 3.20 shall not apply to prevent any *person* from keeping any *cat* or *household pet* if lawfully being kept by that same *person* on the date on which the prohibition came into full force and effect, the onus of proof resting upon said *person*, if and for so long as the *cat* or *household pet* continues to be kept by the *person* and provided that the *person* does not acquire additional *cats* or *household pets* if such acquisition would violate the By-law.

3.22 Feeding of Wild, Feral and Stray Animals Prohibited

No person shall *feed* or leave food or attractants of any type outside in such a manner that it is accessible to wild, feral, or stray *animals*.

3.23 Exception to section 3.22

Section 3.22 does not apply to:

(a) The *feeding* of songbirds provided the seed is placed in a bird feeding device and is inaccessible to other *animals*;
(b) Food that is placed as bait in a trap by a property owner to capture nuisance *animals* in accordance with the *Fish and Wildlife Conservation Act,1997, S.O. 1997, c.41*;
(c) Food that is placed as bait by a licensed trapper, a *wildlife* removal service, or an *Animal Control Officer* in accordance with the *Fish and Wildlife Conservation Act,1997, S.O. 1997, c.41*;
(d) Food that is placed for a colony of community cats as part of an approved Trap, Neuter, Release program as set out in Schedule C;
(e) The legal placement of deer mineral or other bait in an Agricultural or Agricultural Employment zone.

Part 4
DOG LICENSING

4.1 Licensing agent - appointed – authorized

The *person*s indicated in Schedule A, attached and forming part of this By-law, are appointed as *License Agent*(s) authorized to issue *dog licenses* on behalf of the *County.*

4.2 Registration - information – requirements

The *Licensing Officer* shall keep a record showing the following *dog license* registration information:

(a) name, address, and phone number of *the registered owner of the dog*;
(b) the address of the property where the *dog* is being kept
(c) serial number of the *dog tag*;
(d) date of registration;
(e) description of the *dog* including the year of birth;
(f) amount of the fee paid upon registration;

4.3 Application - forthwith - upon Ownership

Every *person* shall make application for a *dog license* upon commencement of the keeping of said *dog* and shall make application to renew said *license* annually thereafter by March 31st.

4.4 Exception from Licensing Puppies - 90 days following birth

Despite section 4.3 of this By-law, puppies being kept with the mother for a period of 90 days following birth are not required to be *licensed*.

4.4.1 Exemption- Dogs Kept pursuant to SPCA programs

Despite section 4.3 of this By-law, dogs being kept pursuant to a respite program sponsored by the *Ontario SPCA or* Affiliated Society or a facility operated by or on behalf of the Provincial Animal Welfare Services are not required to be *licensed*, provided the *dog* is microchipped.

4.5 Assistance dogs – exempted

*Assistance dog*s are required to be *licensed* in accordance with this section, but are exempt from the payment of *dog license* fees, replacement *dog tag* fees or administration fees, upon providing proof satisfactory to the *Licensing Officer* that the *dog* is an *assistance dog* as defined in this by-law.

4.6 Application - *license* – description

Every application for a *dog license* or a renewal of a *dog license* shall include the following:

(a) the name, address and phone number and alternate phone number of the *registered owner*;

(b) address of the property where the *dog* is being kept;

(c) a description of the *dog* including colour, breed, sex, year of birth and name;

(d) the applicable *dog license* fee;

(e) in the case of a spayed or neutered *dog*, upon first registration pursuant to this By-law unless currently on file with the *County*, proof of spaying or neutering.

4.7 Expiry - annual – March 31st

Every *dog license* issued shall expire on the thirty-first day of March next following the date of issue of the *dog license.*

4.8 Notice – death - change of ownership – change of address

Every *registered owner* of a *dog* shall notify the *Licensing Officer* forthwith upon the death or change of ownership or change of address of the *dog*.

4.9 Refund - upon death within 2 months of issue

Every *registered owner* of a *dog* may apply for a partial refund of the *dog license* fee, upon providing proof that the *licensed dog* died within two months of the date of issue and upon return of the applicable *dog tag*. The amount of the refund shall be the amount of the *dog license* fee paid excluding any late fee paid, minus the applicable administration fee.

4.10 Transfer - of *license* – conditions

Every *dog license* issued may be transferred to a new *registered owner* or to a different *dog* upon payment of the applicable administration fee and provided that the *registered owner* of the *dog* makes application to the *Licensing Officer* in accordance with subsection 4.6 and provides the *license* record, receipt or *dog tag* relating to the prior registration

4.11 Dog Tag Issued upon First Registration

Upon first registration in compliance with the *dog licensing* requirements, or upon application for a replacement *dog tag*, the *registered owner* shall be issued a *dog tag.*

4.12 Tag - replacement - where lost

(a) Where a *dog tag* has been lost, the *registered owner* shall make application for a replacement *dog tag*.

(b) A replacement *dog tag* shall not be issued unless there is verification that the *dog* is currently *licensed* and the applicable replacement *dog tag* fee is paid.

4.13 Non-application where *Pit bull*

The licensing provisions of this section do not apply where the *dog* is a *pit bull* as defined in this By-law; instead the licensing requirements of Part 5 apply where the *dog* is a *pit bull*.

4.14 Non-application where *kennel*

The licensing provisions of this section do not apply to any *dog* that is *licensed* pursuant to a *kennel license* as set out in Part 6.

Part 5
PIT BULL LICENSING

5.1 *Licensing Officer* - appointed – authorized

The *Licensing Officer* is authorized to issue *pit bull licenses* on behalf of the *County and* the *person*s indicated in Schedule A, attached and forming part of this By-law, are appointed as *License Agent*(s) authorized to renew *pit bull licenses* on behalf of the *County*

5.2 Registration - information – requirements

The *Licensing Officer* shall keep a record showing the following *pit bull license* registration information:

(a) name , address and phone number of the *registered owner* of the *pit bull*;
(b) address of the property where the *pit bull* is being kept
(c) serial number of *dog tag*;
(d) date of registration;
(e) description of the *pit bull*;
(f) date of birth of the *pit bull;*
(g) proof of sterilization or exemption; and
(h) amount of the fee paid upon registration.

5.3 Application – *license*

Every *person* shall make application for a *pit bull license* upon commencement of the keeping of a *pit bull* and shall make application to renew said *license* annually thereafter by March 31st.

5.4 Application - *license* - vaccination - description – fee

Every application for a *pit bull license* and renewal of a *pit bull license* shall include the following as applicable:

(a) the name, address and phone number of the *registered owner*;

(b) address of the property where the *pit bull* is being kept;

(c) a description of the *pit bull* including breed, colour, date of birth, sex, name, and place of birth;

(d) unless currently on file with the *County*, upon first registration pursuant to this By-law, evidence satisfactory to the *Licensing Officer*, that the *pit bull* was owned by a resident of Ontario on August 29, 2005, or that the *pit bull* was born in Ontario between August 29, 2005 and November 26, 2005;

(e) unless currently on file with the *County*, upon first registration pursuant to this By-law, evidence satisfactory to the *Licensing Officer* that the *pit bull* has been *sterilized*, unless a *veterinarian*'s written opinion is provided that the *pit bull* is physically unfit to be anaesthetized because of old age or infirmity in accordance with section 2(3) of Ontario Regulation 157/05;

(f) the *pit bull license* fee.

5.5 Expiry - annual – March 31st

Every *pit bull license* issued shall expire on the thirty-first day of March next following the date of issue of the *pit bull license.*

5.6 Notice - to *Licensing Officer* - death - change of ownership - change of address

Every *registered owner* of a *pit bull* shall notify the *Licensing Officer* forthwith upon the death or change of ownership or change of address of the *pit bull*.

5.7 Refund - upon death within 2 months of issue

Every *registered owner* of a *pit bull* may apply for a partial refund of the *pit bull license* fee, upon providing proof that the *licensed pit bull* died within two months of the date of issue and upon return of the applicable *dog tag*. The amount of the refund shall be the amount of the *pit bull license* fee paid excluding any late fee paid, minus the applicable administration fee.

5.8 Transfer - of *license* – application – conditions

Every *pit bull license* issued by the *Licensing Officer* may be transferred to a new *registered owner* upon payment of the applicable administration fee and provided that:

(a) the *registered owner* of the *pit bull* makes application to the *Licensing Officer* in accordance with subsection 5.4 and provides the *license* record, receipt or *dog tag* relating to the prior registration; and

(b) the new *registered owner* of the *pit bull* certifies that the transfer is by gift or bequest only; and

(c) the new *registered owner* of the *pit bull* certifies either that he owned one or more *pit bulls* on August 29, 2005 and the effect of the transfer would not cause him to own more *pit bulls* after August 29, 2005 than he owned on August 29, 2005 or the new *registered owner* of the *pit bull* certifies that he did not own a *pit bull* on August 29, 2005 and the effect of the transfer would not cause him to own more than one *pit bull*.

5.9 Dog Tag Issued upon First Registration

Upon first registration in compliance with the *dog licensing* requirements, or upon application for a replacement *dog tag*, the *registered owner* shall be issued a *dog tag.*

5.10 Tag - replacement - where lost

(a) Where a *dog tag* has been lost, an application shall be made for a replacement *dog tag*.

(b) A replacement *dog tag* shall not be issued unless there is verification that the *pit bull* is currently *licensed* and the applicable replacement *dog tag* fee is paid.

Part 6
KENNELS AND *BOARDING* FACILITIES

6. Application Requirements – *Purebred Kennel – Hunting / Sporting Kennel*

Prior to commencing operation of a *Purebred Kennel* or a *Hunting / Sporting Kennel* and annually thereafter by March 31st, every *kennel owner* shall make application for a *kennel license* or renewal of a *kennel license* and shall submit the following documentation to the *Licensing Officer*:

(a) unless currently on file with the *County*, upon first registration pursuant to the provisions of this By-law, verification that the *kennel* complies with the *County* Zoning By-law; and

(b) in the case of a *Purebred Kennel*;

(i) upon first registration and annually thereafter, proof of active membership in the Canadian Kennel Club, American Kennel Club, United Kennel Club or any other Association incorporated under the *Animal Pedigree Act (Canada)* or incorporated under similar legislation in other jurisdictions as an Association established for the purpose of registration and identification of *animals* and the keeping of *animal* pedigrees; and

(ii) unless currently on file, in the case of a *Purebred Kennel,* upon first registration pursuant to the provisions of this By-law, a *Certificate of Registration* for each of the *dog*s kept therein and annually a *Certificate of Registration* for any additional *dogs* kept therein for which registration papers have not been previously provided; and

(c) in the case of a *Hunting / Sporting Kennel;*

(i) upon first registration and annually thereafter, proof of active membership in the Canadian Kennel Club, American Kennel Club, United Kennel Club or any other Association incorporated under the *Animal Pedigree Act (Canada)* or incorporated under similar legislation in other jurisdictions as an Association established for the purpose of regulating *dog* sled or other similar races, hunting events or other sporting competitions; and

(ii) upon first registration pursuant to this By-law unless currently on file, registration documentation from the applicable governing association indicated in (i) for each *dog* kept therein , and annually thereafter, registration documentation from the applicable governing association indicated in (i), for any additional *dogs* kept therein for which registration papers have not been previously provided; and

(d) upon first registration pursuant to this By-law and annually thereafter, a list of all *dogs* to be kept at the subject property, and proof of current rabies vaccination for each *dog*; and

(e) upon first registration and annually thereafter, the applicable *kennel license* fee.

6.2 Application Requirements - *Boarding Facility*

Prior to commencing operation of a *Boarding Facility* and annually thereafter by March 31st, every *kennel owner* shall make application for a *kennel license* or renewal of a *kennel license* and shall submit the following documentation to the *Licensing Officer*:

(a) unless currently on file with the *County*, upon first registration pursuant to the provisions of this By-law, verification that the *kennel* complies with the *County* Zoning By-law; and

(b) upon first registration pursuant to this By-law and annually thereafter, the *kennel license* fee.

6.3 Issuance of *License*

Where the application meets the requirements of this by-law, the *Licensing Officer* shall issue a *kennel license.*

6.4 Kennel License to be posted

The *kennel license* must be posted in a conspicuous place on the *kennel premises*.

6.5 Replacement Certificate

The Licensing Officer may issue a replacement k*ennel license* certificate upon payment of the applicable fee.

6.6 Expiry of *License* and Renewal

Every *kennel license* issued pursuant to this By-law shall expire on the 31st day of March in the year next following the date of issue, and every application for renewal of a *kennel license* shall be finalized on or before the same date.

6.7 Transfer of Kennel Licenses

Kennel Licenses are not transferable.

6.8 Refusal, suspension, revocation of kennel license

The *Licensing Officer* may refuse to issue a *kennel license* with respect to any *kennel* that does not meet with all of the requirements of this By-law.

Part 7
IMPOUNDING

7.1 Seizure - *dog - running at large*

An *Animal Control Officer* may seize any *dog* found *running at large*.

7.2 Seizure – animals *running at large* – in *distress*

An *Animal Control Officer* may seize any *animal* found *running at large* and in *distress*.

7.2.1 Seizure – prohibited animal running at large

An *Animal Control Officer* may seize any *animal* listed in Schedule B that is found *running at large.*

7.2.2. Seizure – Livestock running at large

An *Animal Control Officer* may seize any *livestock* that is found *running at large.*

7.2.3 Seizure – Backyard Hens

An *Animal Control Officer* may seize any *backyard hen* that is found *running at large.*

7.3 Entry - upon land - *Animal Control Officer*

(i) For purposes of 7.1, 7.2, 7.2.1, 7.2.2, and 7.2.3 of this By-law, an *Animal Control Officer* may without notice, and upon producing proper identification upon request, enter on land at any reasonable time.

(ii) Pursuant to sections 13, 14 and 15 of the *Dog Owners' Liability Act,* R.S.O. 1990, c. D16 an *Animal Control Officer* may exercise the search and seizure powers indicated in the *Act* with respect to any *dog running at large* and in violation of the Act.

7.4 Capture - animal *running at large*

(i) Subject to subsection 7.4(iii), an *Animal Control Officer* may at the *Animal Control Officer's* discretion, release any *animal* seized pursuant to section 3.19.2, 7.1, or 7.2, to the *registered owner,* if known, provided that the *animal* is not an *animal* listed in Schedule B to this By-law or to the *pound* for impounding by the *Poundkeeper*.

(ii) The *Animal Control Officer* may take any *wildlife* seized pursuant to section 7.2 to the *pound* for impounding by the *Poundkeeper* or to an Animal Rescue Agency, registered with the Ministry of Natural Resources.

(iii) Pursuant to the requirements of section 17 of the *Dog Owners' Liability Act,* R.S.O. 1990, c. D16*,* where an *Animal Control Officer* captures a *pit bull*, the *Animal Control Officer* shall take the *pit bull* to the *pound* for impounding by the *Poundkeeper*.

(iv) In the opinion of an *Animal Control Officer*, where an *animal* cannot be captured and where the safety of *persons* or *animals* are endangered, or the *animal* is in *distress,* the *Animal Control Officer* may request attendance by a police officer who may euthanize an *animal* at his discretion and no damages or compensation shall be recovered by the *animal's owner* for said destruction.

7.5 Seizure – impounding

The *Poundkeeper* shall impound any *animal* delivered to him by an *Animal Control Officer* pursuant to section 7.1, 7.2, 7.2.1, or 7.2.2. of this By-law. Further, the *Poundkeeper* shall impound any *dog* or *cat*, which in the opinion of the Medical Officer of Health may be rabid and pursuant to the authority granted in section 3 of the *Health Protection and Promotion Act* – R.R.O. 1990, Reg 557, has required that the *dog* or *cat* be confined and isolated in the *pound*.

7.6 Notification by *Poundkeeper*

Where the *Poundkeeper* has impounded an *animal* pursuant to section 7.1 of this by-law, the *Poundkeeper* shall provide notification as set out in the *Animals for Research Act, R.S.O. 1990, C. A-22.*

7.6.1 Where the *Poundkeeper* has impounded an animal pursuant to section 7.2, 7.2.1 ~~or~~ 7.2.2. or 7.2.3 of this By-law, the *Poundkeeper* shall take all reasonable steps to find the owner of the *animal* and shall forthwith notify the owner, if found, that the *animal* has been impounded and in accordance with the authority granted in section 1 of the *Pounds Act, R.S.O. 1990, Chapter P. 17*, section 6. of the *Pounds Act, R.S.O. 1990, Chapter P. 17* does not apply.

7.7 Redemption Period

The minimum redemption period for *dogs* and *cats* shall be as set out in the *Animals for Research Act*.

7.7.1 The minimum redemption period for *animals* impounded pursuant to section 7.2 and 7.2.3 shall be three *(3)* days, excluding the day on which the *animal* was impounded, and holidays shall not be included in calculating any redemption period.

7.7.2 The minimum redemption period for *livestock* shall be eight (8) days, excluding the day on which the *livestock* was impounded, and holidays shall not be included in calculating any redemption period.

7.7.3 There shall be no minimum redemption period for *animals* impounded pursuant to section 7.2.1.

7.8 Poundkeeper - *Destruction* during redemption period

Where the *Poundkeeper* has impounded a *dog* or *cat* pursuant to section 7.1 or 7.2 of this By-law, the *Poundkeeper* shall not destroy or cause or permit to be destroyed any *dog* or *cat* that is in the *pound*, except as in accordance with the *Animals for Research Act, R.S.O. 1990, C. A-22.*

7.9 Poundkeeper – return to owner during redemption period

The *Poundkeeper* may return a *dog, cat* or *backyard hen* that has been impounded pursuant to section 7.1, 7.2 and 7.2.3 of this by-law, to the *person* who owned it before it came into the *Poundkeeper*'s possession, in accordance with the *Animals for Research Act, R.S.O. 1990, C. A-22.* and may return any *livestock or backyard hens* that has been impounded pursuant to section 7.2.2. or 7.2.3 subject to the payment of any *license fee* if applicable, and subject to the payment of the fees as set out in section 7.13 of this By-law.

7.10 *Poundkeeper* – disposition of *animal* – expiration of redemption period

(a) Where the *Poundkeeper* has impounded a *dog* or *cat* pursuant to section 7.1 or 7.2 of this By-law, after the redemption period has expired, the *Poundkeeper* may;

(i) return any *dog* or *cat* to the *person* who owned it before it came into the possession of the *Poundkeeper*, in accordance with the *Animals for Research Act, R.S.O. 1990, C. A-22.*subject to the payment of the *license* fee and the fees as set out in section 7.13 of this by-law,

(ii) sell , hold or otherwise dispose of the *dog* or *cat* in accordance with the *Animals for Research Act, R.S.O. 1990, C. A-22.*

(b) Where the *Poundkeeper* has impounded *livestock* or *backyard hens* pursuant to section 7.2.2. and 7.2.3 of this By-law, after the redemption period has expired, the *Poundkeeper* may;

(i) return the *livestock* or *backyard hens* to the *person* who owned it before it came into the possession of the *Poundkeeper*, subject to the payment of the fees as set out in section 7.13 of this by-law,

(ii) sell, hold or otherwise dispose of the *livestock* or *backyard hens.*

7.11 *Pit bull*s

Despite sections 7.9 and 7.10 the *Poundkeeper* shall not return, sell, or transfer a *pit bull* except in accordance with the specific requirements as set out in the *Animals for Research Act, R.S.O. 1990, C. A-22.*

7.12 Duties of *Poundkeeper* – operation of *pound*

The *Poundkeeper* shall operate the *pound* in accordance with the *Animals for Research Act*, R.R.O. 1990, Reg 23.

7.13 Fees and Charges – payable by *Owner*

(a) Where any *animal* is captured or taken into custody of the *Poundkeeper*, including by order of a court, or an order to quarantine issued under the *Health Protection and Promotion Act***,** the *animal's* owner shall pay to the *Poundkeeper* all fees and charges as set out in the *County* Fees and Charges By-law and any expenses incurred, including but not limited to the cost of euthanasia or other *veterinar*y services, regardless of whether the *animal* is redeemed, transferred to the *pound*, sold, held or destroyed.

(b) The *County* Treasurer may add any charges payable pursuant to subsection 7.13(a) to the tax roll of any property owned by the *animal's owner* and collect the amount in the same manner as taxes.

(c) For the purpose of this section *animal's owner* shall include both the *person* whose name appears as the *registered owner* of the *animal* and the *person* who is the registered owner or the occupant of the property where the *animal* is kept.

Part 8
FEES

8.1 Fees - set out – Fees and Charges By-law

All fees referenced in this By-law shall be set and approved by the Council of the *County* from time to time and are listed in the *County* Fees and Charges By-law.

8.2 Fees - unpaid - recovery – method

All fees referenced in this By-law constitute a debt of the *person* to the *County*, and may be added to the tax roll for any property owned by the *person* and collected in the same manner as municipal taxes.

Part 9
ENFORCEMENT - PENALTY

9.1 Offence - penalty

Any *person* who contravenes any provision of this By-law, and any director or officer of a corporation who knowingly concurs in the contravention of this by-law, is guilty of an offence, and upon conviction is subject to a fine of not more than $ 100,000.

9.2 Continuation - repetition

Notwithstanding section 9.1 every *person* that contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence for every day or part thereof upon which such offence occurs or continues, and upon conviction is liable, to a fine of not more than $ 10,000 for each day that the offence continues.

9.3 Enforcement of Contraventions

Officers of the Brant County detachment of the Ontario Provincial Police and Municipal Law Enforcement Officers appointed by the *County* for the purpose of enforcing municipal by-laws are hereby authorized to enforce the provisions of this By-law.

9.4 Power of Entry re Inspection

Pursuant to section 435 and 436 of the *Municipal Act, 2001* any employee, officer or agent of the *County* or a member of the police force of the *County*, may without notice, and upon producing proper identification upon request, enter on land at any reasonable time for the purpose of carrying out an inspection, to determine whether this By-law, a direction or order of the *County* made under this by-law, a condition of a *license* issued under this By-law , or an order made under section 431 of the Municipal Act, is being complied with. The person exercising the power may be accompanied by a person under his or her direction.

9.5 Inspection Powers

Pursuant to section 436 of the *Municipal Act, 2001,* any employee, officer or agent of the *County* or a member of the police force of the *County*, carrying out an inspection pursuant to section 9.4 of this By-law may:

i) require the production for inspection of documents or things relevant to the inspection;
ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
iii) require information from any person concerning a matter related to the inspection; and
iv) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

9.6 Power of Entry – Dwelling Unit

Pursuant to section 437 of the *Municipal Act, 2001,* a person exercising a power of entry on behalf of the *County* under this By-law shall not enter or remain in any room or place actually being used as a *dwelling unit* unless:

i) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 438, a warrant issued under section 439 or a warrant under section 386.3;
ii) an order issued under section 438 of the *Municipal Act, 2001* is obtained;
iii) a warrant issued under section 439 of the *Municipal Act, 2001* is obtained;
iv) a warrant issued under section 386.3 of the *Municipal Act, 2001* is obtained;
v) the delay necessary to obtain an order under section 438, to obtain a warrant under section 439 or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person.

9.7 Power of Entry – Pursuant to an Order

Pursuant to section 438 of the *Municipal Act, 2001,* where an employee, officer or agent of the *County* or a member of the police force of the *County*, has made a reasonable attempt to obtain the occupier's consent to conduct an inspection and has been unable to exercise the powers of inspection under the authority of section 9.4, the *County* may, pursuant to section 438 of the *Municipal Act, 2001* obtain an order authorizing the *County* to enter on land for the purpose of carrying out an inspection.

9.8 Order to Discontinue

Pursuant to section 444 of the *Municipal Act, 2001*, where the *County* is satisfied that a contravention of this By-law has occurred, the *County* may make an order requiring the *person* who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

The order shall set out,

i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
ii) the date by which there must be compliance with the order.

9.9 Offence – Contravene Order to discontinue

No *person* shall contravene an order to discontinue, issued pursuant to section 9.8.

9.10 Work order

Pursuant to section 445 of the *Municipal Act, 2001*, where the *County* is satisfied that a contravention of a by-law of the *municipality* passed under this or any other Act has occurred, the *County* may make an order requiring the *person* who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

An order may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force.

The order shall set out,

i) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
ii) the work to be done and the date by which the work must be done.

9.11 Offence – Contravene Work Order

No *person* shall contravene a work order issued pursuant to section 9.10.

9.12 Remedial action

Pursuant to section 446 of the *Municipal Act, 2001*, where the *County* has the authority under this By-law or under any Act to direct or require a *person* to do a matter or thing, in default of it being done by the *person* directed or required to do it, the *County* may enter upon land at any reasonable time, to perform the work at the *person's* expense and may recover the costs from the *person* directed or required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

9.13 Offence – Obstructing Officer

No *person* shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

Part 10
GENERAL PROVISIONS

10.1 Requirements - other by-laws

The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws of the *County*, or applicable provincial laws, including the *Dog Owners' Liability Act*, and the *Animals for Research Act*, and in the event that there is a conflict, the provision that is the most restrictive shall prevail.

10.2 Conflict

Pursuant to section 11 of the *Dog Owners' Liability Act*, if there is a conflict between a provision of the *Dog Owners' Liability Act* or of a regulation under that *Act*, or any other *Act* relating to *pit bull*s, and a provision of this By-law relating to *pit bull*s, the provision that is the most restrictive in relation to controls or bans on *pit bull*s prevails.

10.3 Severability

Where a court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

Part 11
REPEAL – ENACTMENT

11.1 By-law – previous

County By-law Number 35-99, as amended, is repealed upon the coming into force of this By-law.

11.2 *License* - previous - valid - until expiry

A *license* issued under the provisions of *County* By-law Number 35-99 shall be deemed to have been issued under this By-law and will be valid until it is replaced or expires.

11.3 Effective date

This By-law comes into force upon receipt of an approved set fine order.

READ a first and second time, this 10th day of August, 2010.

READ a third time and finally approved in Council, this 10th day of August, 2010.

THE CORPORATION OF THE COUNTY OF BRANT

_____
Mayor

_____
Clerk

BY-LAW NUMBER 174-10

SCHEDULE A – APPOINTMENTS

Authorized *License Agents*

The following are hereby appointed as Authorized *License Agents* for the *County*.

1. Hillside Kennels Animal Control Ltd.
2. All Customer Service and Treasury Clerks employed by the *County*.
3. All Municipal Law Enforcement Officers employed by the *County*.
4. All *Licensing Officers* employed by the *County*.

Pound

The municipal *pound* shall be the *premises* of Hillside Kennels Animal Control Ltd., located at 786007 Township Road 6, RR. #2, Innerkip, ON, N0J 1M0

Poundkeeper

Hillside Kennels Animal Control Ltd. is hereby appointed as the *Poundkeeper* for the *County*.

Animal Control Officers

Authorized employees of Hillside Kennels Animal Control Ltd. are hereby appointed as *Animal Control Officers* for the *County*.

Inspectors and Agents appointed under the *Ontario Society for the Prevention of Cruelty to Animals Act* R.S.O., 1990, c. 36 working under the direction of Brant County Wildlife Rescue and Environmental Program Inc. are hereby appointed as *Animal Control Officers* for the *County* but only with respect powers granted in section 7.2 and 7.3 of this by-law and only with respect to seizure of *wildlife*.

SCHEDULE B - PROHIBITED ANIMALS

1. All protected or endangered *animal* being all *animals*, native or non-native, whose possession or sale is prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the *animal* has been obtained in accordance with international, federal, or provincial law as applicable, the *animal* is not identified in this Schedule, and the *animal* is being kept in accordance with the *County* Zoning Bylaw.

2. All venomous or poisonous *animals*.

3. The *animals* listed within the brackets below are included for the purpose of providing common names of some of the *animals* within the stated order and do not in any way limit the prohibition of all *animals* within the stated order.

MAMMALS

4. *Artiodactyla (even-toed hoofed animals)*

All *animals* within the order Artiodactyla including but not limited to Girrafidae (giraffes). Cervidae (deer, moose, reindeer, elk). Antilocapridae (pronghorn antelope), Bovidae (cattle, bison, yaks, waterbucks, wildebeest, gazelles, springboks, sheep, musk oxen, goats), Suidae (pigs), Tayassuidae (peccaries), Hippopotamidae (hippopotamuses), and Camelidae (camels, llamas), but does not include *livestock* as defined in this bylaw, being kept in accordance with the *County* Zoning Bylaw.

5. *Carnivora (meat-eaters)*

All *animals* within the order Carnivora including but not limited to Canidae (wolves, coyotes, jackals, foxes), Ursidae (bears, giant pandas), Procyonidae (coatis, raccoons, lesser pandas), Mustelidae (martens, weasels, skunks, otters), Felidae (lions, cheetahs, leopards), Hyaenidae (hyenas), and Viverridae (mongooses, civets) but does not include *livestock* as defined in this By-law being kept in accordance with the *County* Zoning Bylaw, or domestic *dogs* (Canis Familiaris), domestic cats (Felis Catus), or ferrets (Mustela putorius furo).

6. *Cetacea (whales and purpoises)*

All *animals* within the order Cetacea including but not limited to Physeteridae (sperm whales), Monodontidae (narwhals, belugas), Phocoenidae (porpoises), and Delphinidae (dolphins, killer whales), Eschrichtiidae (gray whales), Balaenidae (right whales), or Balaenoptridae (fin-backed whales, hump-backed whales).

7. *Chiroptera (bats)*

All *animals* within the order Chiroptera including but not limited to Pteropodidae (flying foxes, Old Worm fruit bats), Rhinopomatidae (mouse-tailed bats), Emballonuridae (sheath tailed bats), Craseonycteridae (hog-nosed or butterfly bats), Noctilionidae (bulldog or fisherman bats), Nycteridae (slit-faced bats), Megadermatidae (false vampire bats), and Rhinolophidae (horseshoe bats).

8. Dermoptera (colugos or flying lemurs)

All *animals* within the order Dermoptera including but not limited to Cynocephalidae .

9. *Edentata (toothless mammals)*

All *animals* within the order Edentanta including but not limited to Dasypodidae (armadillos), Bradypodidae (sloths), and Myrmecophagidae (hairy anteaters).

10. *Hyracoidae (hyraxes, dassies)*

All *animals* within the order Hyracoidae including but not limited to Procavia capensis (the African rock hyrax).

11. *Insectivora (insect-eaters)*

All *animals* within the order Insectivora including but not limited to Talpidae (moles), Soricidae (shrews), and Erinaceidae (hedgehogs).

12. *Lagomorpha (pikas, hares, and rabbits)*

All *animals* within the order Lagomorpha including but not limited to Ochotonidae (pikas) and Leporidae (hares and rabbits of all sorts) but does not include domestic rabbits such as Sylvilagus (cottontail), Lepus (jackrabbits, hares), and Oryctolagus (European/common domestic), that are kept as *livestock* as defined in this bylaw that are kept in accordance with the *County* Zoning By-law or that are kept as *household pets* as defined in this bylaw and kept in accordance with this By-law.

13. *Marsupialia (pouched animals)*

All *animals* within the order Marsupialia including but not limited to Caenolestidae (rat opossums), Diddeelphidae (true opossums), Dasyuridae (native cats, native mice), Notoryctidae (marsupial moles), Myrmecobiidae (numbats), Peramelidae (bandicoots), Phalangeridae (koalas), Vombatidae (wombats), and Macropodidae (kangaroos and wallabies), but does not include sugar gliders derived from self-sustaining captive populations *and kept as household pets* as defined in this By-law that are kept in accordance with this By-law.

14. *Monotremata (egg-laying mammals)*

All *animals* within the order Monotremata including but not limited to Tachyglossidae (echidnas, also called spiny anteaters) and Ornithorhynchidae (platypuses).

15. *Perissodactyla (odd-toed hoofed animals)*

All *animals* within the order Perissodoctyla including but not limited to Equidae (zebras), the Tapiridae (tapirs), and the Rhinocerotidae (rhinoceroses).

16. *Pholidata*

All *animals* within the order Pholidata including but not limited to Manidae (pangolins)

17. *Pinnipedia (seals and walruses)*

All *animals* within the order Pinnipedia including but not limited to Otariidae (eared seals, sea lions), Odobenidae (walruses), and Phocidae (earless seals).

18. *Primates (primates)*

All *animals* within the order Primates including but not limited to Tupalidae (tree shrew), Lemuridae (lemurs), Daubentonlidae (aye-ayes), Lorisidae (lorises, pottos), and Tarsiidae (tarsiers), Callitrichidae (marmosets), Cebidae (New World monkeys), Cercopithecidae (baboons, Old World monkeys), Hylobatidae (gibbons), Pongidae (gorillas, chimpanzees, orangutans).

19. *Proboscidea (elephants)*

All *animals* within the order Proboscidea including but not limited to Elephantidae .

20. *Rodentia (gnawing mammals)*

All *animals* within the order Rodentia including but not limited to Aplodontidae (mountain beavers), Sciuridae (chipmunks, squirrels, marmots), Cricetidae (field mice, lemmings, muskrats), Muridae (Old World mice, rats), Heteromyidae (New World mice), Geomyidae (gophers), and Dipodidae (jerboas) but does not include hamsters, gerbils, guinea pigs, hooded rats, dumbo rats, albino rats, siamese rats, hairless rats, dwarf rats, white mice, dwarf mice, dumbo mice, black mice, champagne mice, lilac mice, chinchilla mice, and agouti mice, provided that they that do not exceed 1500 grams and are derived from self-sustaining captive populations and are kept as *household pets* as defined in this By-law.

21. *Sirenia (dugongs and manatees)*

All *animals* within the order Sirenia including but not limited to Trichechidae (manatees) and Dugongidae (dugongs and other sea cows).

22. *Tubulidentata (aardvarks)*

All *animals* within the order Tubulidentata including but not limited to Orycteropodidae.

REPTILE CLASS

23. *Cocodylia*

All *animals* within the order Crocodylia including but not limited to alligators, crocodiles, gavial, and caimen.

24. *Squamata*

All *animals* within the order Squamata including but not limited to Helodermatidae (gila monster and Mexican bearded lizard); all front fanged venomous snakes even if devenomized including but not limited to Viperidae(viper, pit viper), Elapidae (cobra, mamba, krati, coral snake), Atractaspididae (African burrowing asp), Hydrophiidae (sea snake), Laticaudidae (sea krait); Pythonidae (Aftrican rock python, Indian or Burmese python, Amethystine or scrub python); Boidae (common green ananconda and yellow anaconda, boa constrictor; Colubridae; Varanindae (white throated monitor, water monitor, Komodo Dragon, Bornean earless monitor, the Nile monitor, crocodile monitor), Iguanidae (green or common iguana); Teiidae (golden, common, or black and white tegu) but does not include other types of non-venomous and non-constricting snakes of less than 2 metres in length from nose to tip, or non-venomous lizards of less than 1 metre in length, that are kept as *household pets* as defined in this By-law, that are kept in accordance with this By-law.

25. *Testudine (turtles and tortoises)*

All *animals* within the order of Testudine including but not limited to Chelydridae (snapping turtle, alligator snapping turtle) but does not include red eared sliders, box turtles, painted turtles, reeves turtles, or wood turtles that are kept as *household pets* as defined in this By-law.

ARACHNID CLASS

26. *Arachnid and Chilopoda*

All venomous *animals* within the class of Arachnids or Chilopoda including but not limited to tarantula, black widow, solifugid, scorpion and all venoumous arthropods including by not limited to the centipede.

BIRD CLASS

27. *Anseriformes (Duck, geese, swans)*

All *animals* within the order of Anseriforme including but not limited to the family names ducks, geese and swans but does not include *livestock* as defined in this By-law kept in accordance with the *County* Zoning By-law or swans that are kept in an Agricultural Zone.

28. *Galliforme (Turkey, Quail, Pheasants)*

All *animals* within the order of Galliforme including but not limited to family names pheasants, grouse, guinea fowl and turkeys, but does not include *livestock* as defined in this By-law being kept in accordance with the *County* Zoning By-law or pheasants kept in compliance with section 3.16.1 of this By-law

29. *Columbiforme (Doves, Pigeons)*

All *animals* within the order of Columbiforme including but not limited to family names doves and pigeons, but does not include pigeons kept in compliance with section 3.16.2 of this By-law.

30. *Struthioniformes*

All *animals* within the order of Struthioniformes including but not limited to family names flightless ratites such as ostriches, rheas, cassowaries, emus and kiwis, but not include livestock as defined in this By-law, being kept in accordance with the *County* Zoning By-law.

31. *Falconiformes*

All *animals* within the order of Falconiformes including but not limited to eagles, hawks, vultures and falcons.

32. *Order Stringiformes*

All *animals* within the order of Stringiformes including but not limited to owls.

SCHEDULE C- APPROVED TRAP, NEUTUR, RELEASE PROGRAMS

1. Roosters Community Awareness Towards Homeless Cats
2. Brant County S.P.C.A.