

THE CORPORATION OF THE CITY OF BROCKVILLE
By-Law Number 078-2007

*A By-law to amend City of Brockville Animal Control By-law 7-82 as it Relates to
Dangerous Dogs and the Control Thereof*

WHEREAS The City of Brockville Animal Control By-law 7-82 was adopted by the Council of the Corporation of the City of Brockville on January 26, 1982; and,

WHEREAS the said By-law became effective January 26, 1982; and,

WHEREAS the Council of the Corporation of the City of Brockville passed a resolution on August 28, 2007, relating to the control of dogs deemed to be dangerous.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. THAT By-law 7-82, Part I, Definitions, be amended by adding the following Definitions:
 - "Dangerous" dog means:
 - (1) a dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - (2) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal, or
 - (3) a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling.
 - "Mitigating Factor" means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
 - (1) the dog was, at the time of the aggressive behaviour, acting in defense of an attack by a person or domestic animal;
 - (2) the dog was, at the time of the aggressive behaviour, acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its owner; or
 - (3) the dog was, at the time of the aggressive behaviour, being teased, provoked or tormented.

- “Muzzle” means a humane fastening or covering device that is:
 - (1) of adequate strength placed over a dog’s mouth to prevent it from biting;
and
 - (2) approved by the Animal Control Officer
- “Not under the control of any person” means not held on a leash, as prescribed in this by-law, by the owner or any person, or not tied up.
- “Owner” means an owner of a dog and includes a person who keeps 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.

2. THAT By-law 7-82, be amended by creating a new Section,

PART VI,

DESIGNATING DANGEROUS DOGS

1. Where the Animal Control Officer designates a dog as a potentially dangerous dog, the Animal Control Officer shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with any or all of the following requirements:
 - (a) to keep the dangerous dog, when it is on the lands and premises of the owner, confined;
 - (b) within the owner’s dwelling and under the effective control of an adult; or
 - (c) within the owner’s enclosed property, that is enclosed in such a way that the dangerous dog cannot break out, or on enclosed property occupied by another person who consents to the dangerous dog being on his or her property;
 - (d) to keep the dangerous dog under the effective control of an adult person and under leash, such leash to be approved by the Animal Control Officer and not to exceed 1.8 metres (6 feet) in length, at all times when it is not confined in accordance with Part VI, Section 1(b);
 - (e) to securely attach a muzzle as defined in Part I to the dangerous dog at all times when it is not confined in accordance with Part VI, Section 1(b).;
 - (f) to provide the Animal Control Officer with the new address and telephone number of the owner within two (2) working days of selling or giving away the dangerous dog;
 - (g) to provide the Animal Control Officer with the name address and telephone number of the new owner within two (2) working days of selling or giving away the potentially dangerous dog;

- (h) to advise the Animal Control Officer within two (2) working days of the death of the dangerous dog;
- (i) to advise the Animal Control Officer forthwith if the dangerous dog is running at large or has bitten or attacked any person or animal; and
- (j) to purchase and display, at the entrance to the owner's dwelling which a person would normally approach, a warning sign provided by the Animal Control Officer. The sign shall be posted in such a manner that it cannot be easily removed by passersby and it is clearly visible to a person approaching the entrance.

NOTICE

2. The notice referred to in this section shall include:

- (a) a statement that the Animal Control Officer has reason to believe that the dog is a dangerous dog;
- (b) the requirements that the owner must comply with in accordance with this by-law and when such requirements take effect;
- (c) a statement that the owner may request, within five (5) working days of receipt of the Animal Control Officer's notice, and is entitled to, a hearing by a committee designated by the Council of The Corporation of the City of Brockville which may affirm or rescind the Animal Control Officer's designation of the dog as dangerous.

APPEAL

3. Where the owner of a dog who receives a notice from the Animal Control Officer designating such dog as dangerous so requests in writing to the City Clerk of the Corporation of the City of Brockville within five (5) working days of receipt of such notice, the "Dog Designation Appeal Committee", shall hold a hearing pursuant to the provisions of the Statutory Powers Procedure Act within thirty (30) working days of the City Clerk's receipt for a hearing.

For purposes of this by-law, members appointed to the Finance and Administration Committee will serve as the "Dog Designation Appeal Committee".

Such committee may when a dog has been designated by the Animal Control Officer as a dangerous dog;

- (a) affirm or rescind the Animal Control Officer's designation of the dog;
- (b) substitute its own designation of the dog as dangerous; or
- (c) substitute its own requirements of the owner of a dangerous dog pursuant to Part VI, Section 1 of this by-law.

INQUIRY

4. The Animal Control Officer may either on his or her own initiative, or as a result of a complaint received by him or her from a resident of the City of Brockville, conduct an inquiry into whether a dog should be designated as a dangerous dog.


IMPOSITION OF REQUIREMENTS OF SECTION 1

5. The requirements of Part VI, Section 1 which may be imposed on a dog owner by the Animal Control Officer, save and except for the requirement of muzzling (Section 1(e)), shall not be required until;
 - (a) the time for requesting an appeal has expired without an appeal being requested;
 - (b) an appeal has been requested and the request has been withdrawn or abandoned; or
 - (c) an appeal has been requested and the Dog Designation Appeal Committee has issued its decision.

SERVING NOTICES:

6. Any notices served by the Animal Control Officer or requests for hearings made by an owner pursuant to this by-law shall be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail, shall be deemed received on the fifth working day after the date of mailing.

Given under the Seal of the Corporation of the
City of Brockville and Passed this
25th Day of September 2007



Mayor



Clerk