

CORPORATION OF THE TOWN OF PLYMPTON-WYOMING

BY-LAW NO. 23 of 2011

BEING a by-law to licence dogs and to prohibit the running at large of dogs within the Town of Plympton-Wyoming and to rescind all former by-laws to licence dogs and to prohibit the running at large of dogs within the Town of Plympton-Wyoming.

WHEREAS the Council of the Town of Plympton-Wyoming deems it expedient to licence, regulate and control the keeping of dogs in the municipality and to prohibit the running at large of dogs pursuant to the provisions of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45;

AND WHEREAS it is deemed necessary to repeal By-Law No. 26 of 2001 for the Town of Plympton-Wyoming.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Plympton-Wyoming enacts as follows:

1. In this by-law:
 - (a) “DOG” means any male or female dog of any breed or age.
 - (b) “ANIMAL CONTROL OFFICER” means a person appointed by the Council of the Town of Plympton-Wyoming to enforce the provisions of the by-law.
 - (c) “OWNER” includes any person who possesses or harbors any dog.
 - (d) “LICENCE ISSUER” means any person or persons appointed by the Council of the Town of Plympton-Wyoming to issue dog licences and dog tags.
 - (e) “POUND KEEPER” means the Sarnia and District Society for the Prevention of Cruelty to Animals, or any successor thereto.
 - (f) “RESIDENTIAL AREA” means any area within the Town of Plympton-Wyoming designated as a residential area.
 - (g) “HAMLET” means the areas within the Town of Plympton-Wyoming designated as a hamlet area.
 - (h) “DOG KENNEL” means any building, pen or other structure but not including a building used for human habitation in which a purebred dog/dogs is/are kept whether or not for breeding or boarding and in respect of which the owner has or is eligible to have issued by the Clerk a kennel licence.

2. No person shall suffer or permit any dog of which he is the owner or custodian to run at large or trespass on any property in the Town of Plympton-Wyoming.
3. (a) For the purpose of the by-law a dog shall be deemed at large when found on any highway or other public place or on any property other than that of the owner and not in charge of some person.

(b) Every dog within the Town of Plympton-Wyoming when not visibly confined or restrained to the dwelling or property of its owner or of the person having the care and custody of the same, shall at all times be restrained upon a leash in charge of some person.
4. (a) Every owner, possessor or harbourer of a dog in the Town of Plympton-Wyoming shall on or before May 1st in each year, procure from the Licence Issuer or Clerk of Plympton-Wyoming a tag and licence for each dog in respect for which he is liable for the dog tax and shall keep the tag securely fixed on the dog at all times during the year, and until he procures a tag for the following year, except that the tag may be removed while the dog is lawfully used for hunting in a bush.

(b) The tag shall bear a special number and the year in which it was issued and a record shall be kept by the Clerk or other officer designated for that purpose, showing the name and address of the owner, the serial number of the tag and the amount of fee paid in respect of the licence.

(c) Where any person becomes the owner of a dog at any time during any year he shall obtain a licence and tag for each dog within twenty one (21) days of acquisition of the dog.
5. No person may keep in or upon any lands or premises within the Town of Plympton-Wyoming more than three (3) dogs provided that any young born in or upon such lands or premises may be kept there for a period not exceeding ten (10) weeks after birth. The provisions of this section shall not apply to the owner of a Dog Kennel who is eligible to pay and who has paid the kennel licence fee to the office of the Town of Plympton-Wyoming.
6. No Dog Kennel shall be constructed, located or maintained in a residential area or a hamlet area. Where a Dog Kennel existed prior to the implementation of By-law Number 26 of 2001, such use for the boarding or breeding of dogs may continue without limitation until such use is discontinued by the present owner.
7. The Animal Control Officer of the Town of Plympton-Wyoming may seize any dog found running at large and notwithstanding the provisions of paragraph 8 hereof, may kill any such dog before impounding. If the dog cannot be captured, it may be killed forthwith by any peace officer or authorized person if such deems it necessary in the interests of public safety to kill such a dog.

8. Any dog seized by the Animal Control Officer of his authorized agent shall be impounded by the Pound Keeper and remain at the pound for a period of seventy-two (72) hours, and if not redeemed during this period may be killed, sold or otherwise disposed of by the Pound Keeper.
9. Persons redeeming dogs which have been impounded must pay to the Treasurer of the Municipality a Redemption Fee of \$20.00 for each dog for the first offence and a Redemption Fee of \$40.00 for each dog for each future offence in addition to Pound Fees and the provision of any Official Receipt of the Municipality by the Owner to the Pound Keeper shall be the Pound Keeper's authority to release the dog.
10. No owner of a dog shall permit it to foul with feces any public highway, park or any other premises other than the property of the owner of the dog, unless the owner of the dog forthwith removes the feces.
11. (a) In the event that an Animal Control Officer is satisfied on the balance of probabilities. That a dog has bitten a person or a domestic animal, the Officer shall notify the dog's owner in writing that it shall thereafter be required to be muzzled at all times when it is in or at any place other than the premises of the owner.
- (b) The owner of a dog to which subsection (a) of this section applies may request and is entitled to a hearing by the Council which may exempt the dog from the muzzling requirement.

12. (a) AMOUNT OF LICENCE FEE

For the first neutered/spayed dog	\$ 20.00
For the first dog which has not been neutered/spayed	\$ 30.00
For the second neutered/spayed dog	\$ 30.00
For the second dog which has not been neutered/spayed	\$ 40.00
For the third neutered/spayed dog	\$ 40.00
For the third dog which has not been neutered/spayed	\$ 50.00
Kennel Licence for purebreds (four (4) dogs or more)	\$100.00

A Veterinary Surgeon's Certificate is required for proof that a male or female dog has been neutered/spayed.

- (b) The owner of a kennel of purebred dogs which are registered in the Canadian Kennel Club, the United Kennel Club or the American Kennel Club may in each year, pay to the Treasurer of the Municipality \$100.00 as a licence fee upon such kennel for that year and the owner of such kennel shall be exempt from further licence in respect of such purebred dogs for that year.

13. PENALTIES

- (a) Any person who contravenes any of the provisions of this by-law is guilty of an offence and is subject to the provisions of the Provincial Offences Act.
- (b) A violation tag in accordance with the form in Schedule '1' of this by-law may be issued to an alleged offender.
- (c) Where a violation tag is used, the offence alleged on the violation tag shall be indicated by placing a cross or "X" in the box to the right of the offence alleged; or if the offence alleged does not appear on the violation tag, it shall be inserted in the space provided therefore on the lower portion of the violation tag, the penalty and a date, no earlier than 15 days next following the date of the alleged offence, on or before which payment of the penalty may be made out of Court.
- (d) The penalty for the contravention of any of the provisions of this by-law shall be the amount set out to the right of the relevant offences specified in Schedule '1' of this by-law.
- (e) Payment may be made by cheque or money order to which the violation tag is attached and payable to Provincial Court, delivered or sent by prepaid mail to the address indicated on the violation tag. The postmark on the envelope shall determine the 15 day limitation for voluntary payment.

14. All previous by-laws of the Municipality for registering, licencing and restricting dogs is hereby repealed.

READ a first and second time this 23rd day of February, 2011.

READ a third time and finally passed this 23rd day of February, 2011.

Mayor

Clerk

SCHEDULE "1"

SCHEDULE OF FINES

Applicable to Offences under this by-law and subject to early payment.

<u>ITEM</u>	<u>OFFENCE</u>	<u>BY-LAW SECTION</u>	<u>FINE</u>
1.	Fail to licence dog (per dog) Second Offence	Section 4	\$50.00 \$75.00
2.	Fail to have tag on dog (per dog) Second Offence	Section 4	\$50.00 \$75.00
3.	Running at large (per dog) Second Offence	Section 3	\$50.00 \$75.00
4.	Dog on Municipal Highway or other property not on leash Second Offence	Section 2	\$50.00 \$75.00
5.	Fouling	Section 10	\$50.00
6.	More than 3 dogs per household	Section 5	\$50.00
7.	Operate Kennel	Section 5	\$200.00