

CORPORATION OF THE TOWN OF PLYMPTON-WYOMING

BY-LAW Number 79 of 2013

Being a by-law to provide for the licensing, control and regulation of dogs within the Town of Plympton-Wyoming

WHEREAS Section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25 provides that a lower-tier municipality may pass by-laws relating to animals; and

WHEREAS Sections 103 and 105 of the Municipal Act, 2001, S.O. 2001, c.25 outline specific powers of municipalities regarding the impounding and the muzzling of dogs; and

WHEREAS Section 12 of the Dog Owners' Liability Act, R.S.O. 1990, c.D.16 designates a municipal law enforcement officer as a Peace Officer for the purposes of enforcing the Act; and

WHEREAS the Council of the Town of Plympton-Wyoming has deemed it expedient to provide for the licensing, control and regulation of dogs within the municipality;

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

1. DEFINITIONS

In this by-law:

"Animal Control Officer" means:

- i. a municipal law enforcement officer appointed by the Council of the Town of Plympton-Wyoming; or
- ii. a police officer pursuant to the Police Services Act; or
- iii. an agent or inspector pursuant to the Ontario Society for the Prevention of Cruelty to Animals Act.

"Council" means the Council of the Corporation of the Town of Plympton-Wyoming.

"Dangerous Dog" means any dog:

- i. that has bitten or injured a human being or domestic animal; or
- ii. that has been threatening or aggressive towards a human being or domestic animal, including but not limited to behaviour such as growling or snarling.

"Dog" means any animal of the canine species irrespective of sex or neutering/spaying, including any wolf or wolf cross breed.

"Dwelling Unit" means a single room or series of rooms of complementary use which are located in a building in which food preparation, eating, living, sleeping and sanitary facilities are provide for the exclusive use of the occupants thereof; which has a private entrance directly from outside the building or from a common hallway or stairway inside the building; and in which occupants have access to all the habitable areas and facilities of the unit.

"Kennel" means a lot, building, structure or establishment in which four or more dogs are housed, boarded or bred.

"Impounded" means seized, delivered, received or taken into the pound or any authorized vehicle operated by an officer pursuant to the provisions of this by-law.

"License Agent" means a person appointed by the Council of the Town of Plympton-Wyoming to issue dog licenses.

"Leash" means a chain, rope or other restraining device of not more than 3.5 meters.

"Municipality" means the Town of Plympton-Wyoming. "Municipality" and "Town" have a corresponding meaning.

"Muzzled" means that the mouth of a dog is fastened or covered with a humane fastening or covering device of adequate strength to prevent the dog from biting.

"Owner" means a person who keeps, possessed or harbors a dog and where the owner is a minor, the person responsible for the custody of the minor.

"Persistent barking" means a barking, calling, whining or other noise making by a dog occurring for ten minutes or more, at least twice in a 7-day period.

"Pound" means premises, regulated under the Animals for Research Act, that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this by-law.

"Running at Large" means when a dog is found in a place other than the premises of the owner of the dog and not under physical control of any person.

2. EXEMPTIONS

- 2.1. This by-law shall not apply to an animal hospital, clinic or kennel lawfully operated and supervised by a veterinarian who is a registered member of the College of Veterinarians of Ontario.
- 2.2. This by-law shall not apply to the Ontario Society for the Prevention of Cruelty to Animals.
- 2.3. This by-law shall not apply to police service dogs or other specially trained dogs used for investigative purposes while under the ownership of any police service or other federal, provincial or municipal agency.
- 2.4. Sections 3.8 of this by-law shall not apply to canine vision dogs, hearing dogs or dogs trained to provide assistance to the physically handicapped.
- 2.5. This by-law shall not apply to dogs maintained at a research facility registered under the Animals for Research Act.

3. KEEPING OF DOGS

- 3.1. No person shall keep more than three dogs in any one dwelling unit or on any premises.
- 3.2. Section 3.1 of this by-law shall not apply to any person keeping a kennel of dogs licensed under Part 5 of this by-law.
- 3.3. Despite Section 3.1 of this by-law, any young born to a dog may be kept on the premises for a period not exceeding ten weeks after birth.
- 3.4. Every owner of a dog shall provide the dog with such food, potable water, exercise and attention as may be required from time to time to keep it in good health.
- 3.5. If a dog is customarily kept out of doors, the owner of the dog shall provide for its use a structurally sound, weather-proof enclosure with off the ground flooring.
- 3.6. Every owner shall keep a dog from leaving the owner's property, or the property of another person with such person's consent, by means of:
 - i. Enclosure; or
 - ii. Containment within a fenced area; or
 - iii. Physical restraint of the dog by a chain or other similar means.
- 3.7. Despite Section 3.6, when such dog is on a property where such lands are zoned and used for agricultural purposes, the owner may keep the dog from leaving such property on its own by any reasonable means.
- 3.8. Every owner of a dog shall remove forthwith and sanitarily dispose of excrement left by the dog anywhere in the municipality.
- 3.9. No person shall permit a dog to enter upon the private property of another person or to remain on the private property of another person without the property owner's consent.
- 3.10. Every dog shall be inoculated with an anti-rabies vaccine on an annual basis.

- 3.11. No owner of a dog shall permit the dog to run at large or fail to prohibit the dog from running at large.
- 3.12. Any officer shall be and is hereby authorized to seize and impound any dog found running at large within the municipality, contrary to the provisions of this by-law.
- 3.13. Any person may capture any dog running at large on his/her property and contact the Animal Control Officer or other duly appointed officer, who may impound the said dog.
- 3.14. The Animal Control Officer or other duly appointed officer may enter on any public or private property without the consent of the owner or tenant of the property for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this by-law.
- 3.15. No person shall permit a dog to bite or attack without provocation a person or domestic animal.
- 3.16. No person shall permit persistent barking, calling, whining or other noise making by a dog that is clearly audible at another dwelling in the municipality.

4. KEEPING OF DANGEROUS DOGS

- 4.1. Any owner of a dog served with a Dangerous Dog Notice shall comply with the requirement set out therein and with the following conditions:
- a) License such dog with the municipality as a dangerous dog in accordance with the requirements of this by-law;
 - b) Ensure that such dog is spayed or neutered;
 - c) Ensure that such dog has an up-to-date anti-rabies vaccine;
 - d) Display a sign at each entrance to the property and building in which the dog is kept, warning that there is a dangerous dog on the property. This sign shall be visible and legible from the nearest road or thoroughfare.
- 4.2. When a dangerous dog is off its owner's property, the owner shall:
- a) Ensure the dog is muzzled in a humane manner at all times;
 - b) Ensure the dog is on a leash not longer than one metre;
 - c) Ensure the dog is under the control of a person over the age of eighteen.
- 4.3. When a dangerous dog is on its owner's property, the owner shall ensure that the dog is securely confined in a locked pen area that meets the following standards:
- a) The pen shall be suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog;
 - b) The pen must have minimum dimensions of two metres by four metres and must have secure sides and a secure top;
 - c) The pen shall provide protection from the elements for the dog;
 - d) The pen shall not be within three metres of the property line or within three metres of a neighbouring dwelling unit.
- 4.4. It shall be a condition of every license for a dangerous dog that the owner of the dangerous dog provide and maintain a policy of liability insurance in the amount of at least one million dollars (\$1,000,000.00), covering the twelve-month period during which licensing is sought, for injuries caused by the owner's dangerous dog. This policy shall name the Town of Plympton-Wyoming as an additional insured for the sole purpose of the municipality being notified by the insurance company of any cancellation, termination or expiration of the policy.

- 4.5. If the municipality has, in its sole discretion, determined that a dog is a dangerous dog for the purposes of this by-law, the municipality shall impound the said dog at the owner's expense for a maximum of ten days or until such time that the owner of the said dog has complied with all the requirements contained in this by-law for the keeping of a dangerous dog. Should the owner fail to comply with all of the requirements contained in this by-law within the said ten-day period, the municipality may humanely destroy the impounded dangerous dog.
- 4.6. In the event the owner fails to comply with the provisions of section 3.15 of this by-law, the dog shall be seized in accordance with section 13 of the Dog Owners' Liability Act, R.S.O. 1990, c.D.16, as amended.

5. KENNELS

- 5.1. No person shall keep a dog kennel without a license.
- 5.2. No person shall establish a dog kennel operation within the municipality unless the facility is situated within a zone where its use is permitted in accordance with the provisions of the Town of Plympton-Wyoming Zoning By-law, as amended.
- 5.3. Every person who holds a kennel license and/or operates a boarding facility for dogs shall comply with the requirements of the Ontario Society for the Prevention of Cruelty to Animals.
- 5.4. It shall be the responsibility of those individuals who purchase dogs from a kennel to obtain the required dog license as per section 6 of this by-law.

6. LICENSING

- 6.1. Every owner of a dog within the municipality shall register each dog owned by him/her and shall pay a licensing fee on or before May 1st of the given year in the amount as set out in Schedule A to this by-law.
- 6.2. The license agent shall keep a record showing the following dog license registration information:
 - a) The name and address of the dog owner;
 - b) The serial number of the dog tag;
 - c) The date of registration;
 - d) A description of the dog; and
 - e) The license fee paid.
- 6.3. A person who acquires a dog in any year shall obtain a license and tag within fourteen calendar days after acquisition of the said dog.
- 6.4. Despite Section 6.1 of this by-law, no license will be required for a dog ten weeks of age or younger.
- 6.5. A license may be issued at no charge for canine vision dogs, hearing dogs or dogs trained to provide assistance to the physically handicapped upon proof of a certificate provided by organizations including but not limited to the Canadian National Institute for the Blind or Hearing Dogs of Canada.
- 6.6. There shall be no refund or rebate to any owner for any portion of a dog license when such license has been issued in accordance with the provisions of this by-law.
- 6.7. Every owner of a dog shall keep the dog license securely fixed on the dog at all times when the dog is not on the premises of the owner.
- 6.8. Where a dog tag issued pursuant to the provisions of this by-law has been lost or destroyed, the owner may be issued a new dog tag upon payment of the replacement fee as set out in Schedule A to this by-law.

- 6.9. Every dog owner who takes up residence within the Town of Plympton-Wyoming and where a current dog tag has been issued by another municipality shall be required to obtain a new dog tag of the Town and pay only a transfer fee as set out in Schedule A to this by-law.
- 6.10. The municipality may direct an official to license each dog door to door. The official shall be authorized to require the owner of any dog to pay the prescribed license fee and upon payment issue a receipt to the owner and a tag for each dog owned.

7. IMPOUNDING

- 7.1. The Animal Control Officer shall deliver any dog seized by him/her, or delivered to him/her by a police officer or member of the public, to the Pound to be impounded according to the provisions of this by-law.
- 7.2. The owner or keeper of a dog impounded for being at large shall be entitled to redeem such dog within 72 hours from the time of impoundment, exclusive of the day of impoundment, statutory holidays and days during which the Pound is closed, upon paying the municipality the Redemption fee, as described in Schedule A to this by-law, as well as any other damages, fines and expenses imposed by the Pound or according to the provisions of any other application law.
- 7.3. Where a dog that is impounded is not claimed by the owner within the redemption period specified in Section 7.2 of this by-law, the Pound may retain the dog for such further time as may be deemed proper and during that time may:
- a) Sell the dog for such price as they may consider appropriate;
 - b) Euthanize the dog; or
 - c) Dispose of the dog in accordance with the Animals for Research Act.
- 7.4. Where a dog that is captured or taken into custody is injured or in the opinion of the Animal Control Officer should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, a trained person appointed by the Pound may euthanize the dog in a humane manner as soon after capture or taking into custody as he/she may determine and may do so without permitting any person to reclaim the dog or without offering it for sale.
- 7.5. In the opinion of an Officer where a dog cannot be safely captured or where the safety of persons or animals are endangered, the Officer or other trained person appointed by the Pound may euthanize the dog and no damages or compensation shall be recovered by the owner of the dog for said destruction.
- 7.6. Where a dog is captured or taken into custody and the services of a veterinarian are secured by the Animal Control Officer, the owner shall pay all fees and charges of the veterinarian in addition to all other fees or expenses payable under this by-law, whether the dog is alive, has died or is euthanized.
- 7.7. No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, euthanasia or other disposal of the impounded dog in the course of the administration and enforcement of this by-law shall be recovered by any owner or keeper of the said dog.

8. INSPECTION

- 8.1. Every dog owner shall allow an Animal Control Officer or any other Officer to carry out an inspection of premises, at any reasonable time, where the dog is kept or to make inquiries deemed necessary for the purposes of insuring compliance with the provisions of this by-law.
- 8.2. No person shall interfere with, hinder or impede an Animal Control Officer or any other Officer in the performance of any duty authorized by this by-law or provincial legislation.

9. PENALTIES

- 9.1. Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, and all such penalties and costs may be recovered under the Act.

10. SEVERABILITY

- 10.1. If any section or sections of this by-law or parts thereof are found in any court to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed severable and all other sections or parts of this by-law shall be deemed separate and independent there from and enacted as such.

11. SHORT TITLE

- 11.1. The short title of this by-law shall be "Dog Licensing By-law".

12. BY-LAWS REPEALED

- 12.1. That By-law 29 of 2001, By-law 23 of 2011 and By-law 77 of 2013 and all other by-laws or parts of by-laws inconsistent with this by-law are hereby repealed.

13. EFFECTIVE DATE

- 13.1. This by-law shall come into full force and take effect upon the final passing thereof.

By-Law read a first, second and third time and finally passed this 27th day of November, 2013.

Mayor – Lonny Napper

Clerk – Brianna Coughlin

TOWN OF PLYMPTON-WYOMING
BY-LAW Number 79 of 2013 – Dog Licensing By-law
Schedule 'A'

Schedule of Fees

First Dog License – Neutered or Spayed	\$20.00
First Dog License – Not Neutered or Spayed	\$30.00
Second Dog License – Neutered or Spayed	\$30.00
Second Dog License – Not Neutered or Spayed	\$40.00
Third Dog License – Neutered or Spayed	\$40.00
Third Dog License – Not Neutered or Spayed	\$50.00
Kennel License	\$100.00
Dangerous Dog License	\$200.00
Guide Dog & Service Dog Licenses	No Charge
Replacement Tag	\$5.00
Transfer Tag	\$5.00
Redemption Fee (Impoundment)	\$20.00

Set Fines Schedule to
Town of Plympton-Wyoming By-law Number 79 of 2013
Dog Licensing By-law

PART 1 – Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Keep more than 3 dogs	Section 3.1	\$100.00
2.	Fail to provide dog with basic necessities	Section 3.4	\$300.00
3.	Fail to provide dog with adequate shelter	Section 3.5	\$300.00
4.	Fail to remove excrement	Section 3.8	\$100.00
5.	Fail to prohibit dog from entering onto private property without consent	Section 3.9	\$100.00
6.	Fail to prohibit dog from running at large	Section 3.11	\$100.00
7.	Permit dog to bite or attack any person or domestic animal	Section 3.15	\$300.00
8.	Permit persistent barking, whining or other noise	Section 3.16	\$300.00
9.	Fail to license dangerous dog	Section 4.1 a)	\$300.00
10.	Fail to have dangerous dog spayed or neutered	Section 4.1 b)	\$300.00
11.	Fail to have rabies shot for dangerous dog	Section 4.1 c)	\$300.00
12.	Fail to display dangerous dog sign on property	Section 4.1 d)	\$300.00
13.	Fail to muzzle dangerous dog	Section 4.2 a)	\$300.00
14.	Fail to leash dangerous dog	Section 4.2 b)	\$300.00
15.	Fail to keep dangerous dog under control	Section 4.2 c)	\$300.00
16.	Fail to securely confine dangerous dog	Section 4.3 a)	\$300.00
17.	Fail to provide dangerous dog with adequate shelter	Section 4.3 b)	\$300.00
18.	Keep dangerous dog shelter within three metres of the property line	Section 4.3 d)	\$300.00
19.	Keep a dog kennel without a license	Section 5.1	\$100.00
20.	Fail to license dog	Section 6.1	\$100.00
21.	Fail to keep tag on dog	Section 6.7	\$100.00

THE PENALTY PROVISION FOR THE OFFENCES INDICATED ABOVE IS SECTION 9.1 OF BY-LAW 79 OF 2013, A CERTIFIED COPY OF WHICH HAS BEEN FILED.