

***THE CORPORATION OF THE TOWNSHIP OF PLUMMER
ADDITIONAL***

BY-LAW NO. 2002-17

See Amendment By-Law 2003-35

**A BY-LAW TO LICENSE, REGULATE AND CONTROL
DOGS WITHIN THE TOWNSHIP OF PLUMMER
ADDITIONAL**

The Council of the Corporation of the Township of Plummer Additional, pursuant to *The Municipal Act* R.S.O. 1990, c. M.45 as amended enacts the following as a By-law;

SECTION 1.00 - DEFINITIONS

1.01 In this By-law:

- (a) “Animal Control Officer” means the person appointed by Council to uphold the provisions of this By-law or his/her designate;
- (b) “Council” means the Council of the Corporation of the Township of Plummer Additional;
- (c) “Dog” means any dog, male or female, over the age of six (6) months;
- (d) “Kennel” means a place or facility where dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) are bred or raised;
- (e) “Owner” means and includes a person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- (f) “Public park” means a park, recreation area, recreation centre, play lot, playground, school yard, athletic field, square, avenue, boulevard, drive and any building thereon intended for, or used by, the general public;

- (g) “Township” means The Corporation of the Township of Plummer Additional;
- (h) “Working Dog” means a dog used for farm work, sanctioned racing or hunting events.

SECTION 2.00 - LICENCE

2.01 DUTY TO LICENCE

- (a) On or before the 31st day of March of each year, an owner shall:
 - (i) register every dog owned within the Township, and
 - (ii) obtain a licence and tag from the Township for every dog owned;
- (b) New dog owners shall comply with Section 2.01 (i) and (ii) within seven (7) days of acquiring a dog.

2.02 APPLICATION FOR LICENCE

- (a) The Township shall not issue a licence and tag to any person for any dog unless the following conditions are met:
 - (i) an application form obtained from the Township is fully completed and submitted;
 - (ii) a Certificate signed by a Doctor of Veterinary Medicine is provided to the township, which indicates that such dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) months prior to the date of application;
 - (iii) payment of the required licence fee is made in cash or certified cheque.
- (b) Notwithstanding the provision of 2.02 (a) (ii), if any application is made for a licence for a dog which, at the time of application is less than eight (8) months old, the Township shall not be prevented from issuing a licence for such dog, if the owner undertakes to file

with the Township, a Certificate signed by a Doctor of Veterinary Medicine which indicates that the dog has been inoculated with the anti-rabies vaccine upon the dog attaining the age of eight (8) months.

- (c) no female dog shall be licenced as a spayed dog and no male dog shall be licenced as a neutered male dog unless a Certificate signed by a Doctor of Veterinary Medicine is provided to the Township certifying that such female dog has been spayed or such male dog has been neutered.

2.03 LICENCE FEE

- (a) At the time of registration, the owner/applicant shall be required to pay to the township, a licence fee as set out in Schedule “A” attached hereto and forming part of this By-law;
- (b) Notwithstanding Section 2.03 (a), owners of a dog that will reach the age of six (6) months after September 1, may be issued a dog licence for one-half of the usual licence fee as set out in Schedule “A”, valid for the remainder of that calendar year and shall be required to pay the usual annual fee thereafter;
- (c) Notwithstanding Section 2.03 (a), newcomers to the Township of Plummer Additional who upon producing proof of a valid dog licence from another Municipality, may be issued a dog licence for that dog for one-half of the usual licencing fee as set in Schedule “A”, valid for the remainder of that calendar year;
- (d) A blind owner of a guide dog shall be issued a dog licence by the Township without charge upon presentation of a valid card issued by the Canadian national Institute for the Blind to such owner and providing that such owner is otherwise in compliance with this By-law;
- (e) A hearing impaired owner of a hearing ear dog shall be issued a dog licence by the Township upon presentation of a valid card issued by the Hearing Ear Dogs of Canada to such owner and providing that such owner is otherwise in compliance with this By-law.

2.04 TAGS AND LICENCE

- (a) Upon receipt of all required items as set out in Section 2.02, the township shall issue a licence and tag to the applicant;
- (b) The dog tag issued by the Township shall bear its serial number and the year in which it was issued;
- (c) The owner of a dog shall keep the dog tag securely fixed on the dog for which it was procured at all times until renewed or replaced;
- (d) There shall be a fee charged for replacement of lost dog tags as set out in Schedule “A”;
- (e) No owner shall use a tag upon a dog other than for which the tag was issued;
- (f) No person shall remove a licence tag from a licenced dog;
- (g) The licence document issued by the Township shall set out the name and address of the owner, the name of the dog and information as to the date of the dog’s last anti-rabies vaccination.

2.05 RECORDS

All licences or tags issued pursuant to this By-law shall be serially numbered and the Township shall keep a record of their issue.

2.06 MAXIMUM NUMBER

- (a) No person shall keep or permit to be kept more than three (3) dogs within or about any dwelling unit in the Township of Plummer Additional unless otherwise permitted by this By-law;
- (b) The Township shall notify in writing any person found to be keeping more than three (3) dogs advising him/her that he/she is in violation of this By-law and shall provide them with fourteen (14) days from the date of the notice to remove such dogs in excess of three (3), failing which the Animal Control Officer shall be entitled to attend upon the property and remove such of the dogs as is necessary to comply with this By-law.

SECTION 3.00 - KENNELS

3.01 KENNEL LICENCE

The owner of a kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada), or working dogs, shall pay an annual license fee to the Township in accordance with the rates established in Schedule “A” for a license fee for the kennel, and such person is not liable to pay in respect of such individual dogs any license fee under this By-law save and except for a charge of ONE ---- (\$1.00) ----- DOLLAR per dog tag which shall be payable to the Township for each dog listed on the kennel license.

3.02 APPLICATION FOR LICENCE

Every person operating a kennel of dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada) shall attend annually to the Township Clerk for a kennel licence.

3.03 APPLICATION INFORMATION

Every application for a licence under this Section shall be accompanied by:

- (a) the name and address of the kennel owner;
- (b) the location of the kennel;
- (c) the applicable fee in accordance with Section 3.01 and

- (d) a report from an inspector of the Ontario Society for the Prevention of Cruelty to Animals as to the adequacy of the kennel premises for the keeping and raising of dogs.

SECTION 4.00 - RUNNING AT LARGE

4.01 PROHIBITION

No person shall cause or permit a dog owned by that person to run at large in the Township of Plummer Additional.

4.02 DEFINITION

For the purpose of this Section, a dog shall be deemed to run at large:

- (a) when found in any place other than the premises of the owner of the dog not on a leash eight (8) feet or less in length held by the owner, unless the dog is on the lands of a person who has given prior consent to its being unleashed;
- (b) when found on any private property without the consent of the person apparently in possession or having ownership of the premises; or
- (c) when although chained, tied or fastened to a place on private property, if the chain or other means of fastening is of sufficient length so that the dog is found on a highway, other public place, or other private property not owned by the owner of the dog.

4.03 RESTRAINT

No person shall keep a dog within the Township of Plummer Additional tied by rope, chain, or other similar device, of less than ten (10) feet in length.

SECTION 5.00 - IMPOUNDING OF DOGS

5.01 AUTHORITY OF IMPOUND

The Animal Control Officer may seize and impound any dog found running at large in the Township of Plummer Additional or without a current dog tag.

5.02 RESTORATION TO OWNER

A dog so impounded shall be held for a period of three (3) days (exclusive of statutory holidays and Sundays) after the date of seizure or impounding and if not claimed and released to the owner in accordance with this Section within such period, such dog may then be euthanized or sold by the Animal Control Officer as he/she deems appropriate. No damages or compensation shall be recoverable on account of any disposition so made.

5.03 CONDITIONS TO RELEASE

A dog so impounded shall not be released by the Animal Control Officer until the owner thereof has paid to the Township an impoundment fee as set out in Schedule "A", plus a maintenance fee as set out in Schedule "A" for each day subsequent to the date of seizure that the dog remains impounded, in addition to any veterinary fees incurred for the dog.

5.04 DISPOSAL FOR HUMANE REASONS

Where a dog which has been seized is injured or should be destroyed without delay for humane reasons or for safety to persons, the Animal Control Officer may dispose of the dog in a humane manner, after consultation with a Veterinary Doctor as soon after seizure as he/she thinks fit without permitting any person to reclaim the dog or without offering it for sale and no damages or compensation shall be recovered on account of such disposition.

5.05 RECORDS TO BE KEPT

The Animal Control Officer shall keep a record of every dog impounded or seized, including the date it was impounded, a description of the dog, the licence and tag number if it wore a tag, and the date of disposition and the disposition made.

SECTION 6.00 - DOG WASTE

6.01 EXCREMENT REMOVAL

Every owner of a dog shall remove forthwith and dispose of any excrement left by the dog on any property in the Municipality other than the owner's property.

6.02 EXCEPTIONS

The provisions of this Section do not apply to a guide dog within the meaning of the *Blind Persons Rights Act* or a police work dog.

SECTION 7.00 - DANGEROUS DOGS

7.01 DEFINITIONS

In this Section,

- (a) "potentially dangerous dog" means:
 - (i) a dog that, in the absence of any mitigating factor, chases or approaches a person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling; or
 - (ii) a dog that has been impounded by the Animal Control Officer or for whom the owner has been convicted on a total of three (3) occasions within a twelve (12) month period for such dog being at large in the municipality.

- (b) "dangerous dog" means:
 - (i) 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;
 - (ii) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal; or
 - (iii) a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its owner in violation of the requirements for such a dog.

- (c) “Mitigating factor” means a circumstance which excuses aggressive behavior of a dog and, without limiting the generality of the foregoing, may include circumstances where:
 - (i) the dog was, at the time of the aggressive behavior, acting in defense to an attack from a person or domestic animal;
 - (ii) the dog was, at the time of the aggressive behavior, acting in defense of its young or to a person or domestic animal trespassing on the property of its owner; or
 - (iii) the dog was, at the time of the aggressive behavior, being teased, provoked, or tormented.
- (d) “Muzzle” means a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting.

7.02 OWNER REQUIREMENTS - POTENTIALLY DANGEROUS DOGS

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 request of such notice, to comply with any or all of the following requirements:

- (a) to keep such dog, when it is on the lands and premises of the owner, confined
 - (i) within the owner’s dwelling; or
 - (ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing the entry therein of unsupervised children;
- (b) to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person’s consent; and/or

- (c) to obtain and maintain in force a policy liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than ONE MILLION ----- (\$1,000,000.00) ----- DOLLARS for any damage or injury caused by such potentially dangerous dog and provide to the Animal Control Officer a certificate of such policy and each subsequent renewal thereof. Such policy shall contain a provision requiring the insurer to immediately notify the Animal Control Officer should the policy expire, be cancelled or be terminated for any reason.

7.03 NOTICE REQUIREMENTS

The notice referred to in Section 7.02 shall include:

- (a) a statement that the Animal Control Officer has reason to believe that the dog is a potentially dangerous or dangerous dog, as the case may be;
- (b) the requirements that the owner must comply with in accordance with this By-law and when such requirements take effect; and
- (c) a statement that the owner may request, within three (3) working days of receipt of the notice, and is entitled to, a hearing by a committee designated by the Council of the Corporation of the Township of Plummer Additional which may affirm or rescind the designation of the dog as potentially dangerous or dangerous, as the case may be, and which the committee may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to Section 7.02 (a) to (c).

7.04 HEARING REQUESTED

Where the owner of a dog receives a notice from the Animal Control officer designating such dog as a potentially dangerous dog or as a dangerous dog so requests in writing to the Township Clerk of the Corporation of the Township of Plummer Additional within three (3) working days of receipt of such notice, a committee of Council, to be known as the “Dangerous Dog Appeal Committee”, shall hold a hearing pursuant to the provisions of the *Ontario*

Statutory Powers Procedure Act within fifteen (15) working days of the Township Clerk's receipt of the request for a hearing and such committee may:

- (a) affirm or rescind the Animal Control Officer's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
- (b) substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be; and/or
- (c) substitute its own requirements of the owner of a potentially dangerous dog pursuant to Section 7.02 (a) to (c).

7.05 CHANGE OF OWNERSHIP

An owner of a dog which has been designated a potentially dangerous dog or a dangerous dog pursuant to this By-law shall advise the Animal Control Officer immediately if he/she transfers ownership of such dog to another person or changes the addresses at which such dog is kept and furnish the Animal Control Officer with particulars of same.

SECTION 8.00 - DOG OWNERS' LIABILITY ACT

8.01 Where it is alleged that a dog has bitten or attached a person or domestic animal, such dog may be impounded on the order of the Ontario Provincial Policy and held by the Animal Control Officer until the proceedings provided in the *Dog Owners' Liability Act*, R.S.O. 1990 c.D.16 have been followed provided that no dog shall be so impounded for a period in excess of twenty-one (21) days unless otherwise ordered by the Ontario Superior Court of Justice or the Ontario Court of Justice.

SECTION 9.00 - PENALTY

9.01 Any person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed in accordance with the *Provincial Offences Act*, R.S.O. 1990, C.P.33 as amended.

SECTION 10.00 - BY-LAWS REPEALED

10.01 That By-Law 2000-10 as amended, is hereby repealed.

SECTION 11.00 - EFFECTIVE DATE

11.01 This By-law comes into force on the date of its final passing thereof.

READ A FIRST AND SECOND TIME THIS 16th DAY OF OCTOBER, 2002.

REEVE NORMAN HERN

CLERK KIRSTEN YOUNG

READ A THIRD AND FINAL TIME THIS 6TH DAY OF NOVEMBER, 2002.

REEVE NORMAN HERN

CLERK KIRSTEN YOUNG

SCHEDULE 'A' TO BYLAW NO 2002-17

SCHEDULE OF FEES

1. ANNUAL FEES:

Each neutered male or spayed female before March 31	\$ 5.00
Each neutered male or spayed female after March 31	\$10.00
Each male or female before March 31	\$ 10.00
Each male or female after March 31	\$ 20.00

2. ANNUAL FEE FOR KENNEL LICENCE:

Annual Licence (Up to 5 dogs)	\$ 25.00
Annual Licence (Over 6 Dogs)	\$ 40.00

3. FEE FOR IMPOUNDED DOGS:

First impoundment of same dog	\$ 30.00
Second impoundment of same dog	\$ 40.00
Third impoundment of same dog	\$ 50.00

Maintenance fee per day	\$ 5.00
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4. REPLACEMENT FEE:

Dog Tag Replacement fee	\$ 2.00
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