

THE CORPORATION OF THE TOWN OF PARRY SOUND

BYLAW 2013 - 6285

By-law to regulate dogs in the Town of Parry Sound and to repeal By-law 2003-4619.

***WHEREAS** pursuant to Sections 10(2) of the Municipal Act, 2001, S.O. c. 25, Council is authorized to pass by-laws respecting health, safety and well-being of persons; and

WHEREAS pursuant to Section 103 of the Municipal Act, 2001, S.O. c. 25, Council is authorized to pass by-laws for the impounding of animals; and

WHEREAS pursuant to Section 105 of the Municipal Act, 2001, S.O. c. 25, Council is authorized to pass by-laws for the muzzling of dogs; and

WHEREAS pursuant to Section 128 of the Municipal Act, 2001, S.O. c. 25, Council is authorized to pass a by-law to prohibit and regulate a public nuisances; and

WHEREAS pursuant to section 129 of the Municipal Act, 2001, S.O. c. 25, Council is authorized to pass a by-law to prohibit and regulate noise; and

WHEREAS pursuant to Section 391(1) of the Municipal Act, 2001, S.O. c. 25, Council is authorized to impose fee and charges for services provided: and

WHEREAS pursuant to section 425 of the Municipal Act, 2001, Council is authorized to pass by-laws providing that a person who contravenes a by-law of the Town of Parry Sound passed under that Act is guilty of an offence; and

WHEREAS the Corporation of the Town of Parry Sound wishes to regulate dogs and noise from dogs in the Town of Parry Sound.

NOW THEREFORE THE CORPORATION OF THE TOWN OF PARRY SOUND ENACTS AS FOLLOWS;

1. Definitions

- a) "Dog": means any male or female domesticated dog, or member of the species *Canis Familiaris*
- b) "Dog off Leash Recreation Area (DOLRA)": means an area designated where dogs are not required to be on a leash but must be under verbal control of an owner.
- c) "Issuer of Licenses": means any person authorized by the municipality to sell licenses

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1. Definitions – cont'd

- d) “Leash”: means a strap, cord, chain or like that is securely attached to a dog and firmly grasped by a person and which is capable of holding and controlling a dog.
- e) “Menace”: means a dog that would cause a person being chased or approached to reasonably believe that the dog will cause physical injury to that person or their domestic animal.
- f) “Municipal Law Enforcement Officer”: means any person who has been designated by the municipality to administer and enforce this by-law and includes a Peace Officer.
- g) “Muzzle” means a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting.
- h) “Owner”: means any person including the tenant or occupant of land or premise who possesses or harbours a dog and where the owner is a minor the person responsible for the custody of the minor and owns or owned have a corresponding meaning.
- i) “Pound”: means such premises and facilities designated by the municipality for the safe keeping of impounded dogs.
- j) “Run at Large”: means found in any place other than the property of the owner or other property with that property owner or occupiers’ consent, or any place while no under the direct control of any person.
- k) “Pit Bull”: means a pit bull terrier; a Staffordshire bull terrier; an American Staffordshire bull terrier; an American pit bull terrier and a dog that has an appearance and physical characteristics that are substantially similar to those of dogs referred to in any clauses (i) to (iv).
- l) “Restricted Pit Bull”: means a pit bull owned by a resident of Ontario on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force, or born in Ontario before the end of the 90-day period beginning on the day subsection 1(16) of the Public Safety Related to Dogs Statute Law Amendment Act, 2005 came into force.
- j) “Town”: means Town of Parry Sound.
- k) “Pound keeper”: means the Director of Emergency Services or designate.

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2. Licensing

- a) No person shall within the Town of Parry Sound own any dog over the age of six (6) months without first having obtained a license for the dog and registering the dog with the Issuer of Licenses.
- b) When applying for a license (registering a dog with the municipality) the owner of a dog shall provide the Town the following information:
 - i) Owner Contact information - Name, address, email and telephone number
 - ii) Pet Information: Name, colour, breed, gender, and whether the pet has been spay/neutered.
 - iii) Address where the animal is to be situated in the municipality;
 - iv) Microchip identification number (if applicable).
 - v) Owner shall advise whether their pet has received current rabies vaccination.Further, the owner shall notify the Issuer of Licenses within seven (7) days of any changes to the registration of their pet.
- c) The licensing fee is a one-time fee in accordance with "Schedule A" of this by-law and shall be for the lifetime of the dog.
- d) Upon payment of the license fee, an owner of a dog shall be provided with a dog license bearing a serial number and the year of the license obtained. This license shall remain securely affixed to the dog collar and worn at all times until replaced by a subsequent license.
- e) In the event the dog license is lost, the dog owner shall upon satisfying the license issuer that the license is lost shall be entitled to receive a replacement license upon payment as indicated in Schedule "A".
- f) No owner of a dog shall use a license issued for any dog other than the dog for which the license was issued.
- g) Where a certificate is produced from the Canadian National Institute for the Blind stating that the dog is being used as a guide dog for a blind person, no licensing fee shall be charged.

3. Responsibilities of the Dog Owner

- a) No owner of a dog shall permit it to run at large or otherwise creating a nuisance within the Town.

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- b) No owner or owners living at the same address shall keep more than 3 dogs in any one household over the age of six months.
 - i) This section does not apply to the operation of a licensed kennel, an animal hospital, pet store or a legally established pound or shelter.
- c) No owner shall permit their pet to trespass on private property.
- d) Every dog owner or person in control of said dog shall forthwith clean up and dispose of any excrement left by their dog on any property other than their own.
- e) No owner shall permit their dog to persistently, call or whine or make any other persistent noises made by a dog at any time as to disturb an inhabitant of the Town.
- f) No owner shall permit his/her dog to become a public nuisance within the Town.
- g) Every owner of a dog shall keep the dog leashed and under control of a person when the dog is on land in the municipality, other than the owner's property unless prior consent is given by the person owning the land on which the dog is found.
- h) Section 3(a) and 3(g) do not apply to a dog found within the Dog Off Leash Recreation Area.

4. Dog Off Leash Areas (DOLRA)

- a) Dog Off Leash Recreation Areas are located in the following areas:
 - i) Town Shore Road Allowance, known locally as the Rugged Fitness Trail, located west of the Salt Dock.
 - ii) Yvonne Williams Park, being the fenced in area known and signed as the "Dog Obedience Training Area".
- b) The following provisions shall apply within the Dog of Leash Recreation Area (DOLRA):
 - i) Each Dog shall be leashed when entering and exiting the recreation area.
 - (ii) Each Owner assumes all risk when entering into the recreation area.
 - iii) Each owner will be held liable for all actions of their dog(s).

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- iv) Each owner shall be present, with a leash for each dog, and in view of their dog(s) at all times and the dog(s) shall be under the verbal control of its owner.
- v) Each dog shall have a current dog license and said license must be affixed.
- v.) Each dog must be vaccinated.
- vii) No owner shall bring to the recreation area an aggressive dog, or a potentially dangerous dog, which has a history of aggressive behaviour towards a domestic pet or person.
- viii) Every Owner shall clean up after his or her dog.
- ix) A pit bull must be leashed and muzzled at all times in the recreation area.

5. Seize and Impound

- a) Any person shall be entitled to take charge of any dog found running at large and deliver same to the Municipal Law Enforcement Officer or to the Pound Keeper.
- b) The Municipal Law Enforcement Officer may seize and impound any dog that is found running at large and deliver to Pound Keeper.
- c) The Pound Keeper or Municipal Law Enforcement Officer shall, within 24 hours from the seizure of any dog bearing a municipal license notify the owner that the dog has been impounded and conditions whereby the dog can be reclaimed.
- d) The Pound keeper shall keep any impounded dog for a redemption period of three days, excluding:
 - i) the day on which the dog is impounded;
 - ii) statutory holiday; and
 - iii) days on which the pound is not open.
- e) During the redemption period, the Pound Keeper:
 - i) may inoculate the impounded dog to provide immunization against distemper or any other contagious or infectious disease;
 - ii) shall provide veterinary care of an injured or ill impounded dog as may be necessary to sustain its life.

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- f) Despite section d) and e), during the redemption period, the Pound keeper may euthanize a dog without delay where, in the opinion of the Pound Keeper, this is warranted for humane reasons.
 - g) The Pound Keeper shall be entitled to recover from the owner of the dog the cost of inoculating or providing veterinary care during the redemption period in addition to any other applicable fees for the redemption of the dog.
 - h) During the redemption period, the owner of an impounded dog: may redeem it if the owner:
 - i) pays the applicable fees for redemption of the dog in accordance with Schedule "A" to this bylaw.
 - ii) provides evidence satisfactory to the Pound Keeper that they own the dog
 - iii) provides evidence satisfactory to the Pound Keeper that the dog is licensed under this by-law or, if not, licenses the dog in accordance with this Bylaw.
 - i) After the expiration of the redemption period, the Pound Keeper may:
 - i) release the impounded dog to its owner in accordance with section h)
 - ii) keep, sell or dispose of, including euthanize the dog, subject to applicable provisions of the Animals for Research Act.
 - j) Where a Municipal Law Enforcement Officer captures or otherwise detains a dog found running at large contrary to provision of this bylaw, and said dog has a current municipal dog license, the Municipal Law Enforcement Officer may return the dog to the owner without transporting said dog to the Pound . Where the dog is returned to the owner, the Municipal Law Enforcement shall issue an Animal Control Service Fee Notice to the owner of the dog and the owner of the dog shall pay an Animal Control Service Fee as set out in Schedule "A" of this By-law.
 - i) Despite the provisions of the payment of fees in this section, an owner of a licensed dog shall be granted one (1) Animal Control fee exemption during the life time of the licensed dog.
 - k) Where a Municipal Law Enforcement Officer captures or otherwise detains a dog found running at large contrary to provisions of this bylaw and said dog is injured the Officer may euthanize said dog without delay where, in the opinion of the Officer that it is warranted for humane reasons.

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6. Muzzling and Leashing of Dogs

- a) Where a dog has bitten a person or domestic animal or has behaved in a manner that poses a menace to the safety of persons or domestic animals, the Municipal Law Enforcement Officer, at their discretion, may Order the dog to be muzzled or leashed or both, for a period of time to be determined by the Officer. Further, the owner of said dog shall comply with the Order.
- b) Should the owner of the dog disagree with the Order to muzzle and/or leash, he or she may appeal the decision to the Town of Parry Sound Council.
- c) Upon receipt of notification of an appeal, the Town of Parry Sound Council shall, as soon as practicable, conduct a hearing pursuant to the Statutory Powers Procedure and shall hear evidence presented by both the Municipal Law Enforcement Officer and the owner of the dog. Further, it is understood in the interim between the date of the Order to muzzle and/or leash and the date of the hearing of the appeal, the owner shall comply with the Order.
- d) At such time as the Town of Parry Sound Council makes its decision to confirm, modify or quash the Order, the decision shall be considered to be final and binding and the owner of the dog shall comply therewith.

7. Pit Bull Restrictions

- a) No person shall own, possess, be in control of or harbor a pit bull in Town. This shall not preclude the owning, possessing, controlling or harbouring of currently licensed Restricted Pit Bulls. If the owner of a pit bull refutes that the dog is a pit bull as defined, the burden of proof that the dog is not a pit bull is the owners.
- b) Every owner of a Pit Bull shall ensure that their Pit Bull is muzzled at all times when not on their property or another property with that property owner's consent.
- c) Every owner of a Pit bull shall ensure that their Pit bull is securely attached to a leash of not more than 1 meter in length when not on their property or another property with that property owner's consent.
- d) Every owner of a Pit Bull shall ensure their Pit Bull is securely restrained/tethered by a leash no more than 1.8 metres while on the owner's property; unless, the property is enclosed in a way that can be relied on to prevent the Pit Bull from escaping from the property.

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8. Penalties

- a) Any person who is contravenes any provision of this by-law is guilty of an offense and upon conviction is liable to a fine up to a maximum of \$5 000.00 as provided for under the provisions of the Provincial Offenses Act, R.S.O. 1990, C.P. 33, as amended.
- b) A Municipal Law Enforcement Officer may enter on land at any reasonable time for the purpose of enforcing this bylaw and any Orders or conditions imposed under the authority of this Bylaw

9. Severability/Validity

If any section or sections of this by-law or parts thereof are found by a Court of Law to be illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

10. Schedules

The schedules to the by-law shall be deemed to form part of this by-law.

11. Repeal

By-laws 2003-4619, 2006-4918, 2004-4744, 2006-4945, 2006-4916, 2007-5129, 2008-5177 are hereby repealed.

12. Effective Date

This By-law comes into force and effect on March 1, 2017.

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Schedule "A"

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1. License Fee: Current registered dog licence \$30.00
2. License Fee: New registered dog licence \$50.00
- 3, Replacement Licence: \$7.00
4. Pound Fee: \$50.00/day
5. Animal Control Service Fee: \$50.00