

Subject: Animal Services By-law Update

Staff Report No. CPS-005-25

**Department/
Commission:** Corporate Services Commission

Date: February 19, 2025

Recommendation:

- 1) That Council direct staff to bring forward a by-law to repeal the existing Animal Services By-law (By-law #2019-047-RE) and replace this By-law with a newly proposed Animal Services By-law as generally contained within this report; and
- 2) Further that the Animal Services By-law be brought under AMPS.

Report Highlights

- Since the inception of the Town’s current Animal Services By-law in 2019, there have been no major amendments. Staff have identified several areas within this by-law that require additions or amendments to meet the evolving needs of our community and close existing gaps in enforcement capabilities
- The Town’s Municipal Law Enforcement staff are in the process of augmenting current enforcement options for various offences through the inclusion of the Administrative Monetary Penalty System (AMPS). Repealing and Replacing the current Animal Services By-law will facilitate the addition of AMPS as an enforcement option for Animal Services by-law violations.
- Staff recommend that the existing Animal Services By-law be repealed and replaced by a newly composed and contemporary Animal Services By-law.

1. Purpose:

The purpose of this report is to recommend to Council that the Town’s existing Animal Services By-law 2019-047-RE be repealed & replaced with a contemporary Animal Services By-law.

2. Background:

The Province of Ontario grants jurisdictional authority to local area municipalities to

regulate matters of animal care and control and to enforce provisions which encourage responsible pet ownership and promote public safety within the community.

On April 2nd, 2019, Council approved the Town's current Animal Services By-law 2019-047-RE. Since its inception, there have been no major amendments to this by-law. Over the past five (5) years, several areas within this by-law have been identified as requiring additions, deletions, or amendments which will help to address the evolving needs of our community, closing existing gaps in enforcement capabilities, and improving service levels to residents of Stouffville.

3. Analysis:

Through the repeal and replacement of the existing Animal Services By-law, staff are recommending a number of necessary changes.

3.1 Distinguishing Small and Large Livestock

The proposed Animal Services By-law adds definitions for "Small Livestock Animal" and "Large Livestock Animal" and subsections prohibiting these animals from running at large or trespassing on private property. Under the current bylaw, all at-large and trespass offences fall under "Domestic Animal," resulting in identical fines regardless of whether the animal is a horse or a chicken. By introducing these definitions and subsections, Municipal Law Enforcement & Animal Services Officers can establish larger fines for Large Livestock Animals (e.g., horses, cows) due to the greater public safety risk they pose compared to smaller animals (e.g., chickens, ducks).

3.2 Livestock & Zoning

The proposed By-law adds two subsections addressing the housing of livestock animals on inappropriately zoned properties. Currently, the Town prohibits this under Zoning By-law 2010-001-ZO, but the Animal Services By-law does not address it, limiting enforcement options. Officers often rely on issuing a Summons to Appear in Court under Part III of the POA, a time-consuming and inefficient process. These additions will allow enforcement through AMPS, significantly reducing resolution timelines.

3.3 Menacing Dogs

The proposed By-law removes "Menacing Dogs" as a designation. Currently, the by-law allows the Town to designate a dog involved in a bite or attack as either a "Menacing Dog" or a "Dangerous Dog," with each designation accompanied by Orders and/or steps to prevent further incidents.

The current by-law defines "Menacing Dog" as:

"A Dog that, in the absence of any mitigating factor, chases or approaches any person

or Domestic Animal in a menacing fashion or apparent attitude of attack including, but not limited to, behaviour such as growling or snarling, baring teeth, lunging, or inhibited biting where a behaviour does not physically injure or harm the person or domestic animal.”

This designation has been challenging to enforce in any meaningful way due to its relative ambiguity, with highly subjective language that is widely open to interpretation. As a result, Municipal Law Enforcement & Animal Services Officers have had limited success in applying this designation. Furthermore, there is no reasonable probability of the designation being successfully upheld in court if challenged. Therefore, staff recommend omitting this designation from the proposed new by-law.

“Dangerous Dogs” remains a viable designation for dogs involved in bite or attack incidents, and the proposed addition of a subsection allowing Municipal Law Enforcement & Animal Services Officers to issue Administrative Penalties under AMPS) will provide sufficient enforcement options for addressing incidents of varying severity.

3.4 Ball Pythons

The By-law removes the prohibition on Ball Pythons (*Python Regius*) as pets. Currently, the by-law prohibits ownership of all species in the “Pythonidae” family, including Ball Pythons. However, Ball Pythons are the most common pet snake in Ontario, pose virtually no risk to people or the environment if they escape, and are permitted in all local area municipalities. Staff see no reason to maintain this prohibition and recommend its removal.

3.5 Enforcement in Leash-Free Dog Parks

The proposed Animal Services By-law adds a subsection allowing Officers to enforce rules at leash-free dog parks. Currently, violations can only be addressed through Trespass Orders, which are difficult to obtain, challenging to enforce, and often do not reflect the severity of the violation. This addition enables Municipal Law Enforcement & Animal Services Officers to issue charges under AMPS.

3.6 Addition of PAWS

The By-law replaces all mentions of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) with the Provincial Animal Welfare Service (PAWS). Previously, the OSPCA was responsible for enforcing provincial animal neglect, cruelty, and abuse laws, but a 2019 Superior Court ruling deemed its enforcement powers unconstitutional. As a result, the Ontario Ministry of the Solicitor General established PAWS to take over these responsibilities. The new by-law has been updated to reflect this change in jurisdictional authority.

3.7 Maximum Number of Dogs

The By-law increases the maximum number of dogs permitted on residential, commercial, industrial, and institutionally zoned properties from three (3) to four (4). This change aligns with the bylaws of neighbouring municipalities, such as the City of Richmond Hill and Township of King and helps address issues that arise when residents move from these areas.

3.8 Bringing Animal Services under AMPS

As noted throughout this report, AMPS has been added as an enforcement option for Municipal Law Enforcement & Animal Services Officers when charging offenders under the Town’s Animal Services By-law. In May 2024, Council passed By-law 2024-039-RE, allowing the Town to impose administrative penalties for specific by-law violations. The proposed new Animal Services By-law includes AMPS as an enforcement option, enabling officers to charge offenders under the *Provincial Offences Act* or AMPS, depending on the offence's circumstances and severity.

Further, there is a new subsection which will allow officers to issue Administrative Penalties (AMPS) or charge offenders under the Provincial Offences Act (POA) for minor dog bite incidents. Currently, officers must choose between issuing a warning or a Muzzle Order for the dog’s life, which may not reflect the incident's severity. Allowing Administrative Penalties for minor dog bites will provide a balanced enforcement option. Similar by-laws in neighbouring municipalities (e.g., Markham and Aurora) have received positive feedback.

3.9 Penalty Amounts under AMPS

The chart below outlines the penalty amounts to be charged under AMPS as it relates to Animal Services offences:

Designated Provisions for Animal Services By-law 2025-XXX-XX					
COLUMN 1 Item #	COLUMN 2 Provisions of Designated By-law	COLUMN 3 Short Form Wording	COLUMN 4 1 st Offence Set Penalty	COLUMN 5 2 nd Offence Set Penalty	COLUMN 6 3 rd Offence Set Penalty
1.	Section 2.1	Fail to Purchase License for Dog	\$300	\$400	\$600
2.	Section 2.2 (a)	Fail to Provide Completed Application Form	\$300	\$400	\$600
3.	Section 2.2 (b)	Fail to Provide License fee	\$300	\$400	\$600
4.	Section 2.2 (c)	Fail to Provide Additional Documents	\$300	\$400	\$600
5.	Section 2.7	Fail to keep License Tag on Dog	\$300	\$400	\$600

6.	Section 2.9	Remove License Tag from Dog without Consent	\$300	\$400	\$600
7.	Section 2.10	Fail to License Dog and Pay License Tag fee prior to Redeeming Dog	\$300	\$400	\$600
8.	Section 2.12	Use License Tag on Dog other than Dog it was issued to	\$300	\$400	\$600
9.	Section 3.1	Keep more than Four (4) Dogs where Prohibited	\$300	\$400	\$600
10.	Section 3.2	Exceed six (6) Animals where Prohibited	\$300	\$400	\$600
11.	Section 3.3	Allow Domestic Animal to Run at Large Without Consent	\$400	\$500	\$700
12.	Section 3.6	Fail to deliver Domestic animal to Animal Services Officer or the Town's Animal Shelter	\$400	\$500	\$700
13.	Section 3.7	Fail to pay charges for impounded Animal	\$300	\$400	\$600
14.	Section 3.8	Fail to remove and dispose of Dog excrement on Private or Public Property	\$400	\$500	\$700
15.	Section 3.9	Fail to and dispose of Dog excrement on a regular basis	\$400	\$500	\$700
16.	Section 3.10	Allow Dog to make or cause noise likely to disturb or that constitutes a public nuisance	\$400	\$500	\$700
17.	Section 3.11	Allow Domestic Animal to Trespass on private property.	\$400	\$500	\$700
18.	Section 3.12	Keep Domestic animal tethered on chain, rope, or restraining device less than 3 meters	\$300	\$400	\$600
19.	Section 3.13	Leave Domestic Animal tethered or tied on public property	\$300	\$400	\$600
20.	Section 3.14	Leave Domestic Animal unattended tethered or tied on public premises	\$300	\$400	\$600
21.	Section 3.15	Fail to ensure Animal has movement and will not suffer	\$300	\$400	\$600
22.	Section 3.16	Keep or harbour Pigeon where prohibited	\$300	\$400	\$600
23.	Section 3.19	Permit or Allow Dog to Bite or Attack a person or Domestic Animal	\$600	\$700	\$900
24.	Section 3.20	Keep Small Livestock Animal where prohibited	\$400	\$500	\$700
25.	Section 3.21	Keep Large Livestock Animal where prohibited	\$600	\$700	\$900

26.	Section 3.22	Allow Small Livestock Animal to Run at Large without consent	\$300	\$400	\$600
27.	Section 3.23	Allow Large Livestock Animal to Run at Large without consent	\$600	\$700	\$900
28.	Section 3.24	Allow Small Livestock Animal to Trespass on private property	\$300	\$400	\$600
29.	Section 3.25	Allow Large Livestock Animal to Trespass on private property	\$600	\$700	\$900
30.	Section 3.26	Fail to Comply with Rules as posted at leash-free dog park	\$300	\$400	\$600
31.	Section 3.27	Provide false information or give false statement to an Officer, employee, or agent	\$250	\$350	\$500
32.	Section 3.28	Hinder or obstruct an Officer, employee, or agent	\$500	\$600	\$800
33.	Section 5.3 (a)	Fail to keep Dangerous Dog in building, house, or enclosed pen	\$500	\$600	\$800
34.	Section 5.3 (b)	Fail to ensure Dangerous Dog is on Leash	\$500	\$600	\$800
35.	Section 5.3 (c)	Fail to ensure Muzzle is on Dangerous Dog	\$500	\$600	\$800
36.	Section 5.3 (d)	Fail to ensure Dangerous Dog is controlled by person 16 years old	\$500	\$600	\$800
37.	Section 5.3 (e)	Fail to implant microchip in Dangerous Dog	\$500	\$600	\$800
38.	Section 5.3 (f)	Fail to register microchip of Dangerous Dog with Manager or Supervisor	\$500	\$600	\$800
39.	Section 5.3 (g)	Fail to notify Manager or Supervisor of transferred Dangerous Dog ownership	\$500	\$600	\$800
40.	Section 5.3 (h)	Fail to notify Manager or Supervisor of change in residency of Dangerous Dog	\$500	\$600	\$800
41.	Section 5.3 (i)	Fail to notify Manager or Supervisor of destruction of Dangerous Dog	\$500	\$600	\$800
42.	Section 5.5	Fail to Comply with an Order to Muzzle	\$700	\$800	\$1000
43.	Section 5.6	Fail to release custody of Dangerous Dog to Animal Services Officer	\$500	\$600	\$800
44.	Section 6.1	Keep prohibited Animal as Domestic Animal	\$400	\$500	\$700

45.	Section 7.1	Feed Wild Animal or Leave food or attractants out to attract or for access for Wild Animal or feral Domestic Animal	\$300	\$400	\$600
46.	Section 8.1	Leave leg or foothold trap to capture Animal	\$500	\$600	\$800
47.	Section 8.2	Capture Animal by leg or foothold trap	\$500	\$600	\$800

4. Options:

4.1 Option A (Recommended)

That Council direct staff to bring forward a by-law to repeal the existing Animal Services By-law (By-law #2019-047-RE) and replace this By-law with a newly proposed Animal Services By-law as generally contained within this report; and

Further that the Animal Services By-law be brought under AMPS.

5. Financial Implications:

The addition of AMPS as an enforcement option for the newly proposed Animal Services By-law is anticipated to have a modest net positive financial impact on the Town, as our Municipal Law Enforcement team will be less reliant on the Provincial Court system to collect and process payments for offences.

6. Broader Intergovernmental Impacts and/or Considerations:

None.

7. Communication:

Upon approval of the Animal Services By-law, notice will be communicated to the public via the Town’s website, social media accounts, On The Road magazine and any other method deemed appropriate.

8. Alignment with Strategic Plan:

1. A Safe Town
Make our community safer

2. Good Governance
Provide Good Governance

9. Attachments:

Attachment No. 1 - Proposed Animal Services By-law

10. Related Reports:

[April 2nd, 2019; CS-009-19](#)

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For further information on this report, please contact: Becky Jamieson, Commissioner of Corporate Services/Town Clerk at 905-640-1900 or 1-855-642-8697 ext. 2224 or via email at becky.jamieson@townofws.ca