

THE CORPORATION OF THE TOWNSHIP OF GILLIES
BY-LAW NO. 2010-656

Being a By-law for the control of dogs running at large or trespassing and to rescind By-law No. 488

WHEREAS pursuant to Section 11.(3) paragraph 9 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, a single tier municipality may pass by-laws respecting animals, being within the spheres of jurisdiction; and

WHEREAS Section 103 (1) (a), of the Municipal Act, 2001 provides for the seizure and impounding of animals being at large or trespassing contrary to the by-law; and

WHEREAS Section 103 (1) (b), of the Municipal Act, 2001 provides for the sale of impounded animals (i) if they are not claimed within a reasonable time; (ii) if the expenses of the municipality respecting the impounding of animals are not paid; or (iii) at such time and in such manner as is provided by the By-law; and

WHEREAS the Township of Gillies has entered into Agreement with the City of Thunder Bay Animal Services to board impounded dogs;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GILLIES ENACTS AS FOLLOWS:

1.0 Short Title

This By-law may be cited as the “Dog Control By-law”.

2.0 Definitions

In this By-law:

- 2.1 “Dog or dogs” shall mean a male or female dog, Canis familiaris;
- 2.2 “Owner” of a dog includes any person who is responsible for, possesses or harbours a dog. “Owns” or “Owned” have corresponding meanings. Where the owner is a minor, person responsible for the custody of the minor.
- 2.3 “Dog Control Officer” shall mean any person appointed by the municipality for the purpose of controlling animals and includes any person appointed as a Provincial Offences Officer.
- 2.4 “Resident” shall mean any person who finds a dog running at large or trespassing.

3.0 Running at Large or Trespassing

- 3.1 For the purposes of the By-law, a dog shall be deemed to be running at large or trespassing when:
 - a) found in any place other than the premises of the owner of the dog; and
 - b) not under the control of any person.
- 3.2 A dog shall not be considered to be running at large or trespassing if:
 - a) on the owner’s property; or
 - b) under the control of any person by being connected to that person by a leash or similar apparatus no longer than four metres in length; or
 - c) “at heel” beside a person and is obedient to that person’s command.

4.0 Dog Owners

- 4.1 Every owner of a dog shall prevent such dog from running at large or trespassing.

- 4.2 The owner of a dog who has been notified that their dog has been found running at large or trespassing, shall claim their dog within twelve (12) hours after notification from the Dog Control Officer.
- 4.3 An owner shall be given a warning by the Dog Control Officer on the first and second offence that their dog is reported to be running at large or trespassing. Third and subsequent offences shall result in the dog being seized by the Dog Control Officer and impounded, and subject to the redemption period and fees set out in section 7.0 of this by-law.
- 4.4 An owner who is missing their dog shall take the following steps:
 - a) Make every reasonable effort to locate the dog.
 - b) Contact the Dog Control Officer to report the missing dog.
- 4.5 An owner who reports a missing dog to the Dog Control Officer, that is subsequently found to be running at large or trespassing, and has proven to the Dog Control Officer that every reasonable effort had been taken to prevent the dog from running at large or trespassing, on a first offence, shall not be considered to be in contravention of any provision of this by-law, but the time limit for dog redemption as stated in sub-section 4.2 still applies.

5.0 Finding a Dog

A resident who finds a dog running at large or trespassing shall take the following steps:

- a) Encourage the dog to leave the property. If the dog is aggressive, the non-emergency number for the Ontario Provincial Police (OPP) is to be called to report the dog. If the dog has attacked a person or animal, the OPP is to be called.
- b) Contact neighbours in the area, to attempt to find the owner of the dog, as well as notify the Dog Control Officer that a dog has been found.
- c) If the dog owner is found, the resident shall notify the Dog Control Officer.
- d) If after twenty-four (24) hours of notification to the Dog Control Officer the dog is still running at large or trespassing, and the owner has not been found, or the dog has not been claimed by the owner, the Dog Control Officer may be called to seize the dog in order to be impounded.

6.0 Seizure and Impoundment

- 6.1 The Dog Control Officer shall create an incident report, attached hereto as Schedule 'A', of each call received of a dog running at large or trespassing.
- 6.2 The Dog Control Officer shall make reasonable effort to locate the owner of any dog found running at large or trespassing in accordance to the timeframe indicated in sub-section 5.0 (d) of this by-law
- 6.3 Upon expiration of the time limit referred to in sub-section 4.2 of this by-law, the Dog Control Officer shall seize the dog in order to be impounded.
- 6.4 The Dog Control Officer may only enter onto private property with the consent of the owner or tenant, for the sole purpose of seizing and impounding the dog reported as found running at large or trespassing.
- 6.5 The Dog Control Officer shall transport any seized dog for impoundment to the location of the City of Thunder Bay Animal Services.
- 6.6 The Dog Control Officer shall notify the Clerk-Treasurer when a dog has been impounded.

7.0 Redemption Period and Fees

- 7.1 Subject to the rights of the Corporation of the Township of Gillies to retain possession of any dog, any dog impounded pursuant to the provisions of this By-law, may be redeemed by the owner during the minimum redemption period of three working days (excluding the day the dog was impounded and Saturdays, Sundays and holidays) as provided for in Section 20 (1) of the *Animals for Research Act*, R. S. O. 1990, c A.22, upon payment of the fine of one hundred and twenty five dollars (\$125.00), together with the costs associated with the dog's impoundment at the City of Thunder Bay Animal Services. In the case of a dog which has previously been impounded in the same calendar year, the fine of one hundred and seventy-five dollars (\$175.00) together with the costs associated with the dog's impoundment.
- 7.2 Payment of fees related to this by-law are to be paid by cash, cheque or money order to the Township of Gillies during regular business hours at the Municipal Office.
- 7.3 No dog shall be released from Animal Services to an owner without all fees having been paid in full to the Township of Gillies, and a receipt presented to Animal Services.
- 7.4 In the event that the owner of a dog impounded pursuant to the provisions of this By-law does not redeem such dog as provided in Section 7.1 of this by-law, the City of Thunder Bay Animal Services shall place the dog for adoption or cause the dog to be destroyed in accordance with the provisions of the *Animals for Research Act* and the current agreement between the Township and Animal Services.

8.0 Exemptions

An exemption to the conditions contained in this by-law may be granted subject to such conditions as Council considers appropriate.

- 9.0 Every person who contravenes any provision of this by-law shall be guilty of an offence and upon conviction, is liable to the penalties provided for under the *Provincial Offences Act*, R.S.O.1990 c. P. 33.
- 10.0 Notwithstanding anything in this By-law, owners are subject to the *Dog Owner's Liability Act* and any other applicable legislation.
- 11.0 If any section, subsection, sentence, clause, phrase or provision of this by-law is for any reason deemed to be invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this by-law.
- 12.0 By-law Number 488 and all by-laws or parts of by-laws conflicting with this by-law are hereby repealed.
- 13.0 This By-law shall come into force and take effect upon the date of passing.

Hereby enacted and passed this 22nd day of February 2010.

The Corporation of the Township of Gillies

Reeve

Clerk-Treasurer