

**THE CORPORATION OF THE TOWNSHIP OF GILLIES
BY-LAW NUMBER 2010-656
AS AMENDED BY BY-LAWS 2011-681, 2014-005 & 2016-015**

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 an 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" means 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, the person responsible for the custody of the minor is considered to be the "Owner".

2.3 "Dog Control Officer" means any person appointed by the municipality for

the purpose of controlling animals, and includes any person appointed as a Provincial Offences Officer.

- 2.4 To "Licence" a Dog means to provide the following information and/or documents to the municipal office for The Corporation of the Township of Gillies, and to obtain, in exchange, a dog tag with unique licence number on it, so that the dog can be identified if found off of the Owner's property:
- a) One or more photographs of the Dog showing all distinguishing features with sufficient detail to allow the animal to be identified;
 - b) The Dog's full name, together with any other names to which the Dog responds;
 - c) The address at which the Dog is ordinarily harbored;
 - d) The full name, address, land line telephone number (if applicable) cell phone telephone number (if applicable), and email address (if applicable) of the Owner of the Dog; and
 - e) Where the Owner of the Dog is 18 years old or less, the particulars described in paragraph 2.4(c) for the parent or legal guarding of the Owner of the Dog.
 - f)
- 2.5 The "Registry" is the collection of information held by The Corporation of the Township of Gillies as the result of the requirement for all Dogs within the Township to be Licenced.
- 2.6 Words written in the singular can be interpreted in either the singular or plural, as the context dictates.

3.0 Running at Large or Trespassing

- 3.1 For the purposes of the By-law, a Dog is deemed to be running at large or trespassing when it is:
- 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 it is:
- a) on the Owner's property;
 - 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;

- c) "at heel" beside a person and is obedient to that person's command; or
- d) a working farm or hunting Dog on active duty for a farmer or hunter that is reasonably in control of the animal.

4.0 Dog Owners

- 4.1 No person, being the Owner of a Dog, shall allow the Dog to run at large or trespass as described in Section 3.1.
- 4.2 A Dog Owner who becomes aware that his or her Dog is missing shall immediately:
 - a) contact the Dog Control Officer to advise him or her of the circumstances;
 - b) take steps to attempt to locate the Dog; and
 - c) contact the Municipal Office (leaving a voice mail message if the office is closed) to advise the municipal staff of the circumstances.
- 4.3 Every person who is the Owner of one or more Dogs which is or are kept on property within the Township of Gillies for thirty (30) days or more shall Licence the Dog or Dogs with the municipal office, providing all of the information and documentation set out in section 2.4 of this By-law for each Dog.

The Licencing of all Dogs kept within the Township, as required by section 4.3 of this By-law, shall be undertaken on or before November 30th, 2016.

When the Dog has been Licenced, the municipal office will provide the Owner with a dog tag bearing a unique licence number which is assigned to the Dog.

- 4.4 Every person who is the Owner of one or more Dogs which is or are acquired after November 30th, 2016, and is or are kept on property within the Township of Gillies for twelve (12) weeks or more shall Licence the Dog or Dogs with the municipal office, providing all of the information and documentation set out in section 2.4 of this By-law for each Dog.

The Licencing of newly acquired Dogs, as required by section 4.4 of this

By-law shall be undertaken within thirty (30) days of the date that the Owner became the Owner of the Dog or Dogs being Licenced.

- 4.5 No person, being the Owner of a Dog, shall fail to Licence his or her Dog in accordance with section 4.4 or 4.5 of this By-law, as applicable.
- 4.6 Once the Owner of a Dog has Licenced that Dog and obtained a dog tag for that Dog from the municipal office, that Owner must ensure that the dog tag is physical affixed to the Dog, whether by means of a collar or otherwise, in a manner that allows the dog tag to be viewed and read, whenever the Dog is at a place within the Township of Gillies which is not the Owner's property.
- 4.7 No person, being the Owner of a Dog which has been Licenced, shall allow that Dog to be off of the Owner's property, within the Township of Gillies, without ensuring that the dog tag is affixed as required by section 4.6 of this By-law.
- 4.8 Where the Owner of a Dog transfers that Dog to another person, he or she shall notify the Township of Gillies that ownership has been transferred so that the change of ownership can be noted in the Registry. Notification shall include the particulars of the new Owner, as set out in section 2.4(c), (d) and (e) of this By-law.
- 4.9 Where a Dog has passed away or has been transferred in ownership to a person outside of the Township of Gillies, the Owner of the Dog shall notify the Township of Gillies so that the Registry can be appropriately amended.
- 4.10 No person, being the Owner of a Dog, shall fail to notify the Township in accordance with the provisions of section 4.8 or 4.9 of this By-law, as applicable.
- 4.11 Collection of personal information in the Registry is authorized by Paragraph 10(2)(9) and Section 103 of the *Municipal Act, 2001* (S.O. 2001, c. 25, as amended). Personal information in the Registry shall not be made public and shall be utilized by The Corporation of the Township of Gillies for the sole purpose of enforcement of the requirements of this By-law.

5.0 Finding a Dog

- 5.1 Where a person observes a Dog that appears to be at large or trespassing as described in Section 3.1, he or she shall contact the Municipal Office (leaving a voice mail message if the office is closed) to advise the municipal staff of the circumstances. The person reporting the

Dog shall provide the name of the Owner of the Dog (if known) and a description of the Dog, as well as the vicinity in which the Dog was observed, and when.

- 5.2 If the Dog is creating an unwelcome disturbance, the person who observes the Dog may also contact the Dog Control Officer to come and retrieve the animal.
- 5.3 If the Dog is aggressive and/or has caused injury to a person or to another animal, the person observing same should call the Ontario Provincial Police to report the matter. The Dog Control Officer is under no obligation to attempt to retrieve an aggressive Dog.
- 5.4 If the report under Section 5.1 provided the name of the Dog's Owner, and if there has not been a report of a Dog owned by that person under this By-law in the past twenty-four (24) months, the municipal office staff shall write a warning letter to the Owner of the Dog, advising of the provisions of this By-law and other applicable law. If the report is the second (or more frequent) within the past twenty-four (24) months, charges may be laid against the Dog Owner under this By-law or other applicable law without any further warning.

6.0 Seizure and Impoundment

- 6.1 The Dog Control Officer shall create an incident report, substantively in the form attached to this By-law as Schedule "A", of each call received of a Dog running at large or trespassing.
- 6.2 Where the Dog Control Officer retrieves a Dog, and where the Dog Control Officer knows the identity of the Owner of the Dog, or the identity of the Owner of the Dog is discernable from a Dog tag or other article on the animal, the Dog Control Officer shall immediately attempt to return the Dog to its Owner. If the Dog Control Officer does not know and cannot discern the identity of the Dog's Owner, or if returning the Dog to its Owner proves impossible, the Dog Control Officer shall impound the Dog.
- 6.3 The Dog Control Officer may impound the Dog on his or her own premises, where facilities exist and/or where he or she is willing to do so, or, alternatively, the Dog Control Officer may transport the Dog to the Thunder Bay Animal Services facility for impoundment.
- 6.4 The Dog Control Officer shall notify the municipal office staff when a Dog has been impounded.

7.0 Redemption Period and Fees

- 7.1 Where the Dog Control Officer has impounded a Dog on his or her own premises, and the Dog Owner makes contact with the Dog Control Officer, they shall arrange between them for a return of the Dog to its Owner at a place and time agreeable to both of them. Return of the Dog is subject to payment of the fees outlined in Section 7.4.
- 7.2 Where the Dog Control Officer has impounded a Dog on his or her own premises, and no one makes contact with the Dog Control Officer to claim the animal within three (3) days of the date that the animal was impounded, the Dog Control Officer shall take the animal to the Thunder Bay Animal Services facility for impoundment there.
- 7.3 Where the Dog Control Officer has impounded the Dog at the Thunder Bay Animal Services facility, the Dog Owner must make arrangements with that facility to retrieve his or her animal at a time convenient to the operators. Return of the Dog is subject to payment of the fees outlined in Section 7.4. The Thunder Bay Animal Services facility rules and regulations on retention and/or disposition of impounded animals shall apply.
- 7.4 All of the following fees apply to impounded animals, and must be paid before the Dog is returned to its Owner:
- a) Where the Dog was impounded at the Dog Control Officer's premises, the Owner shall pay to the Dog Control Officer, a fee equal to twenty-five (\$25.00) dollars per day or part of a day that the animal remained on the Dog Control Officer's premises. This fee is payable to the Dog Control Officer directly and does not form part of any debt due to the Township.
 - b) In addition to the fee paid in (a), the Dog Owner shall pay to The Corporation of the Township of Gillies an impoundment fee of one hundred twenty five (\$125.00) dollars.
 - c) Where the Dog was impounded by the Animal Control Services facility in Thunder Bay, and where that facility charged any fee to The Corporation of the Township of Gillies, the Dog Owner is also obligated to reimburse the Township for that amount, in addition to any amounts the Dog Owner was obligated to pay under (a) and/or (b) above. This is also in addition to any amount that the Dog Owner was obligated to pay to the City of Thunder Bay for return of his or her animal.

- 7.5 All fees established in Section 7.4 are payable by way of cheque or cash. The Dog Control Officer is not obligated to accept payment on the Township's behalf, but may choose to do so. Where the Dog Owner remits cash to the Dog Control Officer for an amount owing to the Township, a receipt shall be issued, with the Dog Control Officer retaining a copy of the receipt to be provided to the municipal office together with the remitted fee. If the Dog Control Officer does not wish to incur the obligation of accepting payments, payment must be made at the municipal office during regular office hours.
- 7.6 There may be times when circumstances prevent a Dog Owner from making the payments due under Section 7.4 within a reasonable time frame in order to have his or her animal released and prevent additional fees from being incurred. Dog Owners in these circumstances may sign promissory notes or make other payment arrangements with the municipal staff during regular office hours. Upon satisfactory arrangements being made, the municipal staff may authorize the Dog Control Officer to release the Dog without full payment of all fees owing. Payment negotiation, where required of any fees owing under Section 7.4(a) are a matter between the Dog Owner and the Dog Control Officer.
- 7.7 The amounts payable by the Dog Owner to the Township in accordance with Section 7.4 are a debt owed to the Township, which it may recover in any lawful manner, including adding the debt to the tax roll for any real property within the Township which is owned by the Dog Owner.

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 Offence

Every person who contravenes any provision of this By-law is 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, as amended.

10.0 Provincial Legislation

Notwithstanding anything in this By-law, Owners are subject to the Dog Owners' Liability Act, R.S.O. 1990, c. D.*, as amended, and any other applicable legislation.

11.0 Severability

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 Repeal

By-law Number 488 and all by-laws or parts of by-laws conflicting with this By-law are hereby repealed.

13.0 Effective Date

This By-law shall come into force and take effect upon the date of passing.

Hereby enacted and passed this 8th day of August, 2016.
(As amended by By-laws 2011-681, 2014-005 and 2016-015)

****By-Law 2016-015 (dog licensing) comes into effect on November 1st 2016)****

The Corporation of the Township of Gillies

Reeve

Clerk-Treasurer

Schedule 'A' to By-law #2010-656

TOWNSHIP OF GILLIES

DOG CONTROL OFFICER

INCIDENT REPORT

Incident Report Number: #

Date and time of call(s):

Caller Information:

Name, number and road name,
phone number

Nature of Complaint:

found dog missing dog running at large/trespassing other

first offence second offence third and subsequent offence

Details/Description:

Action Taken:

Resolution:

Amount of time spent on incident:

Kilometers travelled (if applicable):

Signature:

Set Fine Schedule

The Corporation of the Township of Gillies
Part I, Provincial Offences Act
Bylaw 2010-656, as amended: Dog Control

By-law 2010-656: Being a by-law to permit the Municipality to exercise its powers under its "Dog Control" sphere of jurisdiction in the Municipality of Gillies

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Set fine
1	Fail to prevent dog from running at large	s. 4.1	\$100.00
2	Fail to obtain dog license	s. 4.5	\$75.00

Note: the general penalty provision for the offences listed above is section 9.0 of bylaw 2010-656, as amended, certified copies of which have been filed.

