

THE CORPORATION OF THE TOWNSHIP OF GILLIES
BY-LAW NO. 2014-005

Being a By-law to amend By-law 2010- 656, a by-law for the control of dogs running at large or trespassing.

WHEREAS Council is desirous of amending By-law No. 2010-656 in the manner hereinafter set forth.

NOW THEREFORE the Council of the Corporation of the Township of Gillies enacts as follows:

1. By-law Number 2010-656 is amended by replacing the clause “shall mean” with the word “means” wherever it appears in the text.
2. By-law Number 2010-656 is amended by capitalizing the word “dog” wherever it appears in the text.
3. By-law number 2010-656 is amended by capitalizing the word “owner” wherever it appears in the text.
4. By-law Number 2010-656 is amended by deleting the definition of “resident” (section 2.4).
5. By-law Number 2010-656 is amended by adding the following as a new section 2.4:

“2.4 Words written in the singular can be interpreted in either the singular or plural, as the context dictates.”
6. Section 3.1 of By-law Number 2010-656 is amended as follows:
 - a) the phrase “shall be” in the first line is deleted and replaced with the word “is”; and
 - b) the words “it is” are inserted between the word “when” and the semi-colon that follows it in the first line.
7. Section 3.2 of By-law Number 2010-656 is amended as follows:
 - a) the words “it is” are inserted between the word “if” and the semi-colon that follows it in the first line; and

- b) the period at the end of clause “c” is deleted and replaced by a semi-colon followed by the word “or”; and
- c) the following is added as a new clause “d”:

“d) a working farm or hunting dog on active duty for a farmer or hunter that is reasonably in control of the animal.”

8. Sections 4.1 through 4.5, inclusive, are deleted and the following substituted for it:

“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.”

9. Section 5 of By-law 2010-656 is deleted and the following substituted for it:

“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.”

10. Section 6.1 of By-law 2010-656 is amended by inserting the phrase “substantively in the form” between “report” and “attached” in the first sentence.

11. Sections 6.2, 6.3, 6.4 and 6.5 of By-law 2010-656 are deleted.

12. The following are added as Sections 6.2 and 6.3 to By-law 2010-656:

“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.

13. Section 6.6 of By-law 2010-656 is re-numbered Section 6.4, and is amended by changing the title “Clerk-Treasurer” in the section to “municipal office staff”.

14. Sections 7.1 through 7.4 of By-law 2010-656 are deleted and the following substituted:

“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.

15. The balance of By-law 2010-656 remains as enacted, and continues in full force and effect.

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

Hereby enacted and passed this 24TH day of MARCH 2014.

Reeve

Solicitor-Clerk