

# THE CORPORATION OF THE TOWN OF GORE BAY

## BY-LAW NO. 2013-37 BEING A BY-LAW TO PROVIDE FOR THE CONTROL AND LICENSING OF DOGS

**WHEREAS** Section 103 of the *MUNICIPAL ACT S.O. 2001*, as amended provides that by-laws may be passed by the Councils of local municipalities for licensing, keeping and prohibiting or regulating the running at large of dogs within the Municipality;

**AND WHEREAS** The Town of Gore Bay recognizes the right of residents and property owners to enjoy the possession of dogs;

**AND WHEREAS** The Town of Gore Bay deems it desirable to licence and regulate dogs with the municipality;

**NOW THEREFORE** the following shall supersede and update any previous licensing by-laws.

**NOW THEREFORE** the Fee Schedule attached hereto and marked as Schedule "A" is hereby adopted;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:**

### **1.0 DEFINITIONS**

In this By-Law the following definitions shall apply:

- 1.1 "Dog" means a domestic canine animal, male or female, spayed or neutered which is four months of age or older but does not include a guide dog within the meaning of the Blind Persons Act, as amended, or a Police Work Dog;
- 1.2 "Dog Catcher" shall mean the person appointed by Council for the purpose of this by-law;
- 1.3 "Harbour" means having care, custody or control of a dog;
- 1.4 "Leash" means a chain, rope, line, cord or other device not exceeding 2 meters (6feet, 6inches) in length which is used to secure or restrain a dog.
- 1.5 "Licence Fee" shall mean the fee imposed upon the owner of a dog;
- 1.6 "Municipality" shall mean the Town of Gore Bay;
- 1.7 "Municipal By-Law Enforcement Officer" means a person appointed by the council of the Town of Gore Bay for the purpose of enforcing the municipalities by-laws;
- 1.8 "Owner" shall include any person who owns, possesses, keeps or harbours a dog for any period of time and where the owner of a dog is a minor, the person responsible for the custody of the minor;
- 1.9 "Pound" means the premises or facility that is used for the detention, maintenance or disposal of dogs that have been impounded in accordance with the provisions of this by-law.

- 1.10 “Pound Keeper” means a person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing and carrying out the provisions of this by-law.
- 1.11 “Running at Large” means that a dog shall be deemed to be running at large if found on premises other than that of the owner of the dog or not under the care and control of a person who is physically capable of restraining the dog.
- 1.12 “Service Dog” means any dog trained by a recognized school or organization to work or perform tasks for the benefit of an individual.

## **2.0 KEEPING OF DOGS**

- 2.1 Every person who owns a dog in the Town of Gore Bay shall provide such dog or cause it to be provided with such food, potable water, exercise, and attention as may be required from time to time to keep it in good health.
- 2.2 If a dog is customarily kept outdoors the person who owns such dog shall at all times provide for its use; a structurally sound weather-proof enclosure with off-ground flooring.
- 2.3 No person in the Town of Gore Bay shall keep a dog tethered on a chain, rope or similar restraining device of less than 2.4 metres in length.
- 2.4 Every owner of a dog shall forthwith remove any excrement left by the dog on any land in the Town of Gore Bay other than that of the owner. Failure to do so constitutes a breach of this by-law.

## **3.0 GENERAL LICENSING PROVISIONS**

- 3.1 Every owner of a dog within the Town of Gore Bay shall register and pay the licence fee prescribed in Section “A” of this by-law for each dog on or before the last day of March or the first business day following in each year.
- 3.2 Every person who becomes the owner of a dog on or after the last day of March shall pay annually to the Town of Gore Bay the applicable licence fee as set out in Schedule ‘A’ forming part of this By-Law within fifteen days after acquiring or otherwise becoming the owner.
- 3.3 Service dogs are exempt from the licensing fee provisions of this By-Law but all service dogs must be registered with the Town of Gore Bay.
- 3.4 No person shall keep more than 3 dogs on the premises of any single family dwelling.
- 3.5 Upon payment of the applicable licence fee, the owner shall be furnished with a dog tag.
- 3.6 The said dog tag shall bear a serial number and a record shall be kept by the Town of Gore Bay for the purpose of showing the name, address, telephone number of the owner and name, age, gender, breed and colour of the dog and the serial number of the dog tag.
- 3.7 The owner of the dog shall notify the Town of Gore Bay of any change in information provided in subsection 3.6 or of the sale or death of the dog, as applicable.
- 3.8 All owners shall ensure that a dog tag is securely affixed upon the dog at all times.

- 3.9 Every dog tag issued is personal to the dog owner thereof and no licence is transferable.
- 3.10 When a dog tag is lost a replacement tag must be obtained for the fee set out in Schedule 'A'.
- 3.11 Fees for service specified in Schedule 'A', may be altered from time to time and are hereby incorporated as part of this by-law.

#### **4.0 RUNNING AT LARGE**

- 4.1 No person shall cause, allow or permit any dog to run at large anytime within the Town of Gore Bay.
- 4.2 For the purpose of this by-law, a dog shall be deemed to be running at large when found in any other place than the owner of the dog's property and not under the control of any person.
- 4.3 For the purpose of this by-law, a dog shall be deemed not to be under control of any person when the dog is not on a leash of a maximum length of two meters, held by a person of age and stature capable of restraining the animal, or securely affixed to some permanent structure from which the dog cannot escape.
- 4.4 No person shall cause, allow or permit a dog under his control or of which he is the owner to trespass on private property whether on a leash or not, unless permission for said trespass is first obtained from the property owner.
- 4.5 On public beach areas; namely Municipal Parks where beaches have children swimming such as Gore Bay Marina Beach, all persons shall keep any dog on a leash with a maximum length of two metres.
- 4.6 The person appointed by Council as the Dog Catcher, may capture any dog running at large, and return to owner with a right to issue a fine subject to the provisions of Section 6.4, or if unable to capture said dog running at large, may issue a fine as stated under Section 6.4 to the owner, if the Dog Catcher has a witness to state that the said dog belongs to the owner being issued the fine;
- 4.7 The Town of Gore Bay has an agreement with the Township of Central Manitoulin being By-Law # 3013-34. Central Manitoulin shall act as a pound/pound keeper for the Town of Gore Bay
- 4.8 Where a dog is seized and impounded under authority of this By-law, the owner if known and whether the dog is claimed from the pound or not, shall be liable for the pound and maintenance fees prescribed and shall be liable to the pound keeper and the Municipal Law Enforcement Officer which fees may be recoverable under the Provincial Offences Act, R.S.O. 1990, as amended
- 4.9 Dogs shall be accepted by the pound keeper except where they deem to do so as a danger to themselves, other persons, or other animals in which case the dog may be humanely destroyed without delay.

**5.0 DOG KENNELS**

That on the day of the passing of this by-law, any new dog kennels will be prohibited from locating within the Town of Gore Bay.

**6.0 ENFORCEMENT & PENALTIES**

- 6.1 Offences- Section 425 (1) of the Municipal Act provides that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;
- 6.2 Penalty-Section 429 (1) of the Municipal Act states a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;
- 6.3 This By-law shall be enforced by a Municipal By-Law Enforcement Officer.
- 6.4 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act. R.S.O. 1990, c. P.33, as amended.
- 6.5 If any part, section, subsection, clause, or paragraph of this by-law, is for any reason held invalid, such portions shall be deemed separate, distinct, and independent and such holding shall not affect the validity of the by-law as a whole or any part thereof, other than the provision so declared to be invalid.
- 6.6 All former relative By-laws are hereby rescinded.

THAT this by-law shall come into force and take effect on the final date of passing thereof.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 9th DAY OF SEPTEMBER, 2013.

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MAYOR

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CLERK

**THE CORPORATION OF THE TOWN OF GORE BAY**

**BY-LAW 2013-37**

**“SCHEDULE A”  
Dog Licensing Fees**

1. Annual Registration For Every Dog	\$15.00
2. Late Payment Fee	
Additional amount for late payment	\$10.00
3. Replacement Tag	\$5.00