

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW 2020-02

**THE CONTROL AND LICENSING OF DOGS
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 pass 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 rights of property owners to enjoy the possession of dogs;

AND WHEREAS The Town of Gore Bay protects its residents and their properties from nuisance and vicious dogs;

AND WHEREAS The Town of Gore Bay deems it desirable to license and regulate dogs within the Municipality;

NOW THEREFORE The following shall supersede and update Gore Bay By-Law 2013-17, Gore Bay By-Law 93-18 and 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" means the person appointed by the Council for the purpose of this by-law;
- 1.3 "DOG FOSTERING" means keeping a dog in a residence for up to 90 days or a length of time agreed upon with the By-Law Enforcement Officer. until the dog is taken to an animal shelter or adopted into a new home;
- 1.4 "EMOTIONAL SUPPORT ANIMAL" means an animal that provides comfort or security, but does not have any specific task training;
- 1.5 "HARBOUR" means having care, custody or control of a dog;
- 1.6 "KENNEL" means a lot, building or structure in which 3 or more dogs are housed, boarded or bred.
- 1.7 "LEASH" means a chain, rope, line, cord or other device not exceeding 2 metres (6 feet 6 inches) in length which is used to secure or restrain a dog;
- 1.8 "LICENSE FEE" means the fee imposed on the dog owner when registering a dog with municipality.
- 1.9 "MUNICIPALITY" means the Town of Gore Bay.
- 1.10 "MUNICIPAL BY-LAW ENFORCEMENT OFFICER" means a person who is appointed by the Council of the Town of Gore Bay for the purpose of enforcing the municipality's by-laws.
- 1.11 "NUISANCE DOG" means a dog that causes a disturbance with persistent barking, calling or any other sound.
- 1.12 "OWNER" means any person who owns, possesses, keeps or harbours a dog for any period of time, and where the owner of the dog is a minor, the person responsible for custody of the minor;
- 1.13 "PIT BULL" means as defined in the Dog Owners Liability Act R.S.O. Chapter D.16 section 1.1;
- 1.14 "POUND" means the premises or facility that is used for the detention, maintenance or disposal of dogs that have been impounded in accordance m
- 1.15 "POUND KEEPER" means a person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing or carrying out the provisions of this by-law.
- 1.16 "RESCUE DOG" means a dog that is waiting to be placed into a new home after being abused, neglected or abandoned by the previous owner;

- 1.17 "RUNNING AT LARGE" means that a dog be deemed 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.
- 1.18 "SERVICE DOG" means any dog trained by a recognized school or organization to perform tasks for the benefit of an individual;
- 1.19 "VICIOUS DOG" means a dog that is known to have made an unprovoked attack or bite which caused physical injury to a person or another domestic animal

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 to keep it in good health.
- 2.2 If a dog is customarily kept outdoors, the person who owns such a 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 Municipality 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 a dog on any land in the Municipality other than that of the owner.
- 2.5 Every owner of a dog must remove excrement from their property in a timely manner so as not to disturb the enjoyment, comfort or convenience of persons or property owners in the vicinity of their premises or property.
- 2.6 The owner of a dog shall be deemed responsible for damages to public or private property known to be caused by their dog and pay compensation for such damages.
- 2.7 No dog owner shall possess any more than 3 dogs at one time in a single dwelling unit.

3.0 GENERAL LICENSING PROVISIONS

- 3.1 Every owner of a dog within the Town of Gore Bay shall register and pay the license fee prescribed in Schedule 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 license fee as set out in Schedule A 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 Upon payment of the applicable license fee, the owner shall be furnished with a dog tag.
- 3.5 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, contact information, gender, breed, colour and the serial number of the dog.
- 3.6 The dog owner shall notify the Town of Gore Bay of any changes in the information provided in Subsection 3.5 on the sale or death of the dog, as applicable.

4.0 VICIOUS DOGS

- 4.1 The Municipality shall investigate and keep on file, records of reported complaints of unprovoked dog attacks made by police or citizens.
- 4.2 The owner of a VICIOUS DOG shall, at all times, when not in the owners dwelling but otherwise within the boundaries of the owner's land, be secured in one of the following manners so as to prevent the dog from escaping and to prevent the dog from causing injury to any person or other domestic animal entering onto the owner's lands:
 - a) The dog shall be located wholly within a fenced yard and any gate in such fenced yard shall be locked at all times when the dog is in the fenced yard, or:

- b) The dog shall be located within an enclosed run designed in such a fashion and made of such material which will prevent the dog from digging its way out or otherwise escaping from the enclosed run.
 - c) The dog shall be muzzled so as to prevent it from biting a person or other domestic animal and be securely leashed on a leash or chain, by the owner or designate who is of age and stature to restrain the dog.
- 4.3 The owner of a VICIOUS DOG shall at all times when the dog is outside the boundaries of the owner's land, keep the dog muzzled so as to prevent the dog from biting a person or other domestic animal, and be securely leashed to the owner or a designate who is of age and stature to restrain the dog, unless it is on the lands of a person who has consented to it being on his lands, in which case the provisions of paragraph 2 of this section apply.

5.0 PIT BULLS

- 5.1 PIT BULLS will be controlled as per the ban and related control provisions identified in the Dog Owners Liability Act.

6.0 NUISANCE DOGS

- 6.1 The persistent barking, calling or any sound (over 5 minutes and/or multiple times) made by a dog which disturbs the peace, quiet, comfort or repose of an individual at any time of the day shall not be permitted. Owners of nuisance dogs will be deemed responsible for creating the disturbance.
- 6.2 Dog owners are prohibited from allowing their dogs to create a disturbance by allowing persistent barking or making of noises.

7.0 FOSTER DOGS/RESCUE DOGS

- 7.1 Foster/Rescue dogs in the care of a person affiliated with a recognized dog fostering/rescuing organization and who is registered with the Municipality will be permitted to exceed the limit of dogs in a single dwelling identified in Section 2.7 for 90 days or a length of time agreed to with the Municipal By-Law Enforcement Officer, and up to a maximum of 5 dogs totaled.
- 7.2 Persons who are affiliated with a recognized dog fostering/rescuing organization shall register themselves with the Town office.

8.0 SERVICE DOGS/EMOTIONAL SUPPORT DOGS

- 8.1 The Municipality will recognize and support the use of Service and Police Work Dogs in Municipal facilities.
- 8.2 The Municipality will recognize Emotional Support Dogs but will not support their use in Municipal facilities, unless a physician's note is provided.

9.0 DOGS RUNNING AT LARGE

- 9.1 No person in control of a dog or a dog owner shall allow their dog(s) to RUN AT LARGE in the Municipality.
- 9.2 No person in control of a dog or a dog owner shall permit their dog to trespass on private property whether the on a leash or not, unless permission for said trespass is first obtained from the property owner.
- 9.3 Every owner shall ensure that their dog is on a leash when on any Municipally owned property or Municipally owned facility. (See Schedule "B")

10.0 Dog Kennels

- 10.1 No person shall operate a dog kennel within the Town of Gore Bay.

11.0 Dog Impoundment

11.1 The Town of Gore Bay has an agreement (By-Law 2013-34) with the Municipality of Central Manitoulin shall provide dog pound/pound keeper services for the Town of Gore Bay.

11.2 The Town of Gore Bay shall appoint an Animal Control Officer who can capture any dog running at large and return it to the owner with the right to issue a fine as per section 11.3, or if the Dog Catcher is unable to capture said dog running at large, may issue a fine to the dog owner under section 11.3 if the Dog Catcher has a witness to state that the said dog belongs to the owner being issued the fine.

11.3 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.

11.4 Dogs shall be accepted by the pound keeper where they deem to do so as a danger to themselves, other persons, or other domestic animals in which case the dog may be humanely destroyed without delay.

12.0 Enforcement and Penalties

12.1 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.;

12.2 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;

12.3 This By-Law shall be enforced by the Municipal By-Law Enforcement Officer and/or the Dog Catcher.

12.4 Every person who contravenes a provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provide for in the Provincial Offences Act. R.S.O. 1990, c.P.33 as amended.

12.5 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.

13.0 Repeal

13.1 This By-Law repeals Town of Gore Bay By-Laws 2013-37 and By-Law 93-18 and By-law 2019-34.

13.2 This By-Law will come into effect upon the date the Order of Set Fines in Schedule B are approved by the Ontario Court of Justice

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS THE 13th DAY OF JANUARY 2020.

.....
MAYOR

.....
CLERK

**The Corporation of the Town of Gore Bay
By-Law 2020-02
"SCHEDULE A"
Dog Licensing Fees**

- | | |
|---------------------------------------|---------|
| 1. Annual registration for every dog | \$15.00 |
| 2. Additional amount for late payment | \$10.00 |
| 3. Replacement tag | \$5.00 |

**The Corporation of the Town of Gore Bay
 By-Law 2020-02
 "SCHEDULE B"
 P.O. A. Part 1
 Set Fine Rates
 Dog Licensing and Control
 (Page 1 of 1)**

Item	Short form wording	Provision Creating or Defining Offence	Set Fine
1	Failure to take proper care.	Section 2.1	\$100.00
2	Failure to provide proper enclosure.	Section 2.2	\$50.00
3	Failure to properly tether.	Section 2.3	\$50.00
4	Failure to remove excrement from Town property.	Section 2.4	\$100.00
5	Not removing excrement in a timely manner.	Section 2.5	\$100.00
6	Possessing more than 3 dogs.	Section 2.7	\$50.00
7	Failure to register a dog.	Section 3.1	\$50.00
8	Failure to notify change of owner information.	Section 3.6	\$50.00
9	Failure to properly fence a Vicious Dog	Section 4.2 (a) (b)	\$250.00
10	Failure to muzzle and properly secure a Vicious Dog on a leash.	Section 4.3	\$250.00
11	Nuisance Dog creating a disturbance.	Section 6.2	\$50.00
12	Allowing a dog to Run At Large.	Section 9.1	\$100.00
13	Allowing dog to trespass on private property.	Section 9.2	\$50.00
14	Dog not on a leash on Town property.	Section 9.3	\$50.00
15	Operating a Kennel	Section 10.1	\$500.00

Note: The penalty provision for the offences indicated above is section 12.4 of By-Law 2019-34, a certified copy of which has been filed.