

# ***THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE***



**BY-LAW NO. 2019-46**

## **BEING A BY-LAW FOR LICENCING OF DOGS, PROHIBITING THE RUNNING AT LARGE OF DOGS, AND FOR REGULATING OTHER MATTERS RELATED TO DOGS.**

**WHEREAS** Section 11.1 of the *Municipal Act, 2001* defines "animal" to mean any member of the animal kingdom, other than a human;

**AND WHEREAS** Section 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

**AND WHEREAS** Section 8(3) Of the *Municipal Act, 2001* provides that a by-law under sections 10 and 11 respecting a matter may regulate or prohibit respecting the matter; and, as a part of that power, require persons to do things respecting the matter, and to provide for a system of licenses respecting the matter;

**AND WHEREAS** Section 10(2)9. Of the said Act provides that a single-tier municipality may pass by-laws respecting the following matters; Animals;

**AND WHEREAS** Section 103(1)(a) of the Act allows that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for the seizure and impounding of animals being at large or trespassing contrary to the by-law;

**AND WHEREAS** Section 391(1) (a) authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 9(3) of the said Act provides that a by-law passed under Section 11 may regulate or prohibit respecting a matter, provide for a system of licenses, permits approvals or registrations and impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

**AND WHEREAS** the *Dog Owners' Liability Act, R.S.O. 1990, c. D.16*, as amended (the "DOLA") provides for rules and regulations respecting dogs that are alleged to have bitten or attacked a person or domestic animal or to have behaved in a manner that poses a menace to the safety of persons or domestic animals.

**AND WHEREAS** the Council of the Corporation of the Township of Pickle Lake deems it desirable to pass a by-law with respect to the control of dogs;

**NOW THEREFORE** the Council of The Corporation of the Township of Pickle Lake **ENACTS AS FOLLOWS:**

### **PART I -- DEFINITION RELATING TO DOGS**

1. In this part,
  - a) "Corporation" means The Corporation of the Township of Pickle Lake;
  - b) "Dog" means a male or female dog;
  - c) "Dwelling Unit" means
    - i) any premises owned and occupied by an individual or group of individuals and used as a separate housekeeping unit; and



- ii) any portion of any premises which, by separate contractual arrangements, are occupied by any individual or group of individuals for dwelling purposes, whether or not kitchen or sanitary facilities are provided thereon;
- d) "License" means the receipt and tags issued by the Corporation upon registration of a dog and payment of the appropriate fees.
- e) "Owner" of a dog shall include any person (over the age of 18) who harbours or possess a dog, and "owns" and "owned" have a corresponding meaning.
- f) "Running at Large" an animal shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person.
- g) "Under Control" means on a leash and in the hands of a responsible person.
- h) "Muzzled" means a humane fastening or covering device securely affixed around the snout and mouth of the dog to prevent a dog from biting.
- i) "Kennel" means a pen, fenced area, or building suitable for the humane containment, enclosure, for breeding or boarding of dog(s).
- j) "Vicious Dog" means a dog with a tendency or disposition to attack without provocation, or any dog which has previously bitten a person or domestic animal without provocation.
- k) "Town Areas" means any private or public property that is in the vicinity of the house or business dwellings of "Pickle Lake" or "Central Patricia".
- l) "Off-Leash Walking" means the walking or running of a dog off-leash in a designated non-dwelling area, not including the Public Beach. Dogs are permitted to swim in the lake but must be leashed when out of the water and on the beach.
- m) "Non-Dwelling Area" means any part of the municipality of Pickle Lake that is outside the dwelling area of houses and businesses such as cut trails where dogs cannot enter private property by access of the trail.
- n) "Guide Dog" means a dog which serves as a guide or leader for a physically, vision or hearing impaired person or performs search and/or rescue functions and which has been especially trained for that purpose.

## **PART II -- BY-LAW ENFORCEMENT**

- 2. *Provincial Offences Act* R.S.O. 1990 C.P.33 tickets may be issued by any Township representative given adequate evidence of violation of this by-law.

## **PART III -- LICENSING OF DOGS**

- 4.
  - a) Every owner of a dog in the Township of Pickle Lake, within 14 days after the dog comes into his or her possession, shall cause the dog to be registered and licensed at the Municipal Office of the Township for the balance of the calendar year. Following the initial registration and licensing the owner of a dog shall, prior to February 28th each year, re-register and re-license each dog in his or her possession for the current calendar year; failure to comply see "Schedule B".
  - b) Notwithstanding the provisions of Subsection 4(a) hereof, no licence shall be required for a dog during the first six (6) months of its life and such dog need



not be registered until six (6) months old when the owner shall immediately obtain a licence for it and register it as provided herein.

- c) Registration and licensing of dogs may be performed at the Municipal Office of the Township of Pickle Lake by providing a full description of the dog. Dogs must be vaccinated annually with an anti-rabies inoculation program. Upon registration the Municipal Registration Officer will ask for proof of inoculation and can refuse registration if documents are not produced. Owners are subject to paying the prescribed fee in "Schedule A" attached. Owners are subject to fine for failure to comply with licensing the animal.
- 5.
- a) Upon payment of the license fee the owner shall be provided with a dog tag bearing a serial number and the year for which the tag is issued for each dog registered and licensed; failure to comply see "Schedule B".
  - b) The owner shall keep the tag securely fixed on the dogs collar at all times during the year and until the owner procures a tag for the following year.
  - c) A tag which has been lost may be replaced upon payment of a fee of two dollars (\$2.00) upon application therefore and upon proof that the licence fee for the current year has been paid.
- 6.
- Should a dog decease during the license period the license may be transferred to another dog obtained by the same owner. No refund for the license will be issued.

#### **PART IV -- KENNELS**

- 7.
- Every person making application for an annual license to keep a kennel of dogs shall make written application to the municipality and provide:
- a) A complete description of each dog in the kennel to clearly identify each dog, for which a tag is issued,
  - b) The location of the kennel and the size of the facilities.
  - c) The maximum number of dogs expected to be in the kennel at any time.
  - d) Such other information as may be required by Council to properly consider the application, and shall:
    - Obtain a tag for each dog in the kennel at a cost of ten dollar (\$10.00) for each tag or if purchasing tags for dogs obtained during the year, a current tag may be exchanged for new tag if the tag is currently registered to a dog no longer in possession; failure to comply see "Schedule B".
    - Pay the current license fee established by "Schedule A" attached and forming part of this by-law;

#### **PART V -- DOGS RUNNING AT LARGE**

- 8.
- a) An owner of a dog shall keep the dog leashed and under the control of some person when the dog is on roadways and public land in the town areas defined as "Pickle Lake" and "Central Patricia" other than that of the owner; failure to comply see "Schedule B".
  - b) No person shall allow a dog to run at large in the town areas defined as "Pickle Lake" and "Central Patricia"; failure to comply see "Schedule B".
  - c) For the purpose of this By-law, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog, and not under the control of any person, such as roadways and public or private



lands within the “Town Areas” defined as “Pickle Lake” and “Central Patricia”

- d) “Off-Leash” walking of dogs is permitted outside of town areas such as trails. If a dog enters a municipal road way or public or private lands within the defined town areas it is considered to be at large.
- e) Where a dog gets off a leash or escapes a fenced yard and a complaint is filed against the owner in person at the Municipal Office with photo evidence, the owner will be issued a warning. Shall the dog continue to escape the owner will be fined with the dog being “at-large”. Fines are issue-able by ANY MUNICIPAL MANAGEMENT STAFF MEMBER. Upon collection all fines for failure to license and including impoundment fees and daily boarding fees shall be payable to the Province of Ontario (respective to issue-able fines) and the municipality (for boarding fees and impoundment charges). We understand accidents happen and sometimes pets get loose, these situations will not be penalized however consistent recurrence where owners fail to diligently ensure dogs return home or are securely tethered or fenced will be enforced
- f) Where a dog escaped the control of a person and is apprehended by a township employee, a township employee will contact the owner and every effort will be made to return the dog immediately. A formal posting of collection of dogs will be given to the community via communication such as the municipal website, Facebook and telephone calls to possible leads of the owner. Owners are permitted to collect their canines during the hours of 8 am and 5pm Mon-Fri with the exception of statutory holidays. If a dog is not collected within 3 business days or arrangements are made to collect the dog and pay the fines are not met within this time period the dogs will be surrendered to a rescue agency, or disposed of at the owner’s expense. Fines issue-able against the owner will still be considered collectable. Where a dog has attacked another domestic animal or person the Dog Owners Liability Act will be enforced and the owner shall be subject to stipulations set forth by the courts which may include as follows: Destruction Order, order that dog owner take specified control measures, order prohibiting further dog ownership for a specified period of time. Penalties for Offenses: Penalties in DOLA offense proceedings will be as follows: \$10,000.00 fine (\$60,000 for corporations) and/or 6 months imprisonment; and/or in addition to any other penalties, the court will be able to make restitution orders requiring convicted persons to make compensation or restitution to victims. Should the dog not be licensed but is identifiable the owner must license the dog immediately upon retrieval.
- g) The owner of a dog or person in control of a dog except an identified Guide Dog shall remove forthwith and dispose of in a sanitary matter excrement left by the dog in the Township, other than the premises of the owner of the dog.

#### **PART VI – BITING /VICIOUS DOGS**

- 9.
  - a) Biting or vicious dogs shall be reported to the Corporation and the Ontario Provincial Police.
  - b) Proceedings related to vicious or biting dogs may be commenced under the Dog Owners Liability Act (R.S.O. 1990 C.D.16).
  - c) A dog deemed as vicious or having bitten another domesticated animal or person shall be quarantined for 10 days. Proof of rabies vaccination must be

**SCHEDULE "A"**

**TO BY-LAW 2019-46**

**OF THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE**

**Licence Fees**

- 1. The annual fee payable to licence a dog in any dwelling shall be as follows:
  - 1.1. First male or female dog owned or harbored \$ 15.00
  - 1.2. First neutered male dog or spayed female dog \$10.00
  
- 2. Any person owning or harboring more than one dog in any dwelling shall pay the following fees:
  - 2.1. Second male or female dog \$ 25.00
  - 2.2. Second neutered male dog or second spayed female dog \$ 15.00
  - 2.3. Third male, female, spayed female or neutered male \$35.00
  - 2.4. Third male or female unsprayed, unneutered \$45.00
  - 2.5. Fourth male, female, spayed female or neutered male \$45.00
  - 2.6. Fourth male or female unsprayed, unneutered \$55.00
  
- 3. Any person requesting a tag for replacement of a lost tag shall pay \$2.00
  
- 4. The annual fees payable for a kennel license are as follows:
  - 4.1. Owner of a kennel for dogs duly registers and licensed \$150.00
  - 4.2. The dog tag fee for each dog registered with the kennel \$10.00

**SCHEDULE “B”  
TO BY-LAW 2019-46  
BEING A BY-LAW FOR REGULATING DOGS OFFENCE FINES**

Item	Short Form Wording	Offense Creating Provision	Set Fine (Including Costs)
1	Owner failed to license dog	Section 4 (a)	\$55.00
2	Owner failed to affix tag to dog	Section 5 (b)	\$55.00
4	Kennel owner failed to obtain tag for each dog	Section 7 (f)	\$55.00
5	Owner failed to leash dog	Section 8 (a)	\$55.00
6	Owner failed to prevent dog from running at large	Section 8 (b)	\$55.00

The general penalty for the offences cited above in Section 10 of the Corporation of the Township of Pickle Lake By-law 201-47, certified copy of which has been filed.

I, Jamie Hussey, Clerk-Treasurer of the Corporation of the Township of Pickle Lake hereby certify that the foregoing is a copy of the short form wordings of By-law 2019-46

Dated at the Township of Pickle Lake this 12th day of November, 2019.

Jamie Hussey  
Clerk-Treasurer  
Township of Pickle Lake



presented to the Township of Pickle Lake immediately following a bite of a human or domestic animal. Subsequently if the dog is deemed as Vicious it will need to be muzzled every time the dog leaves the dwelling unit of the owner for the protection of the public.

#### **PART VII-- PENALTIES AND ENFORCEMENT**

10. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided in the *Provincial Offences Act* R.S.O. 1990 C.P.33 as from time to time amended.

#### **PART VIII -- REPEAL OF BY-LAWS**

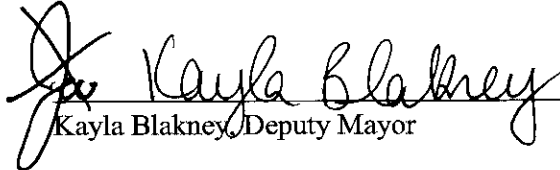
11. By-law No. 2018-07 is hereby repealed.

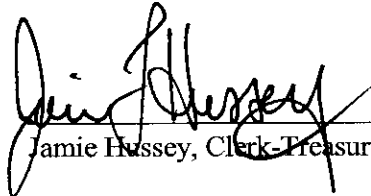
#### **PART XI -- EFFECTIVE DATE OF BY-LAW**

12. This By-law shall come into force and take effect upon the final passing hereof.

BY-LAW BE READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED.

Dated this 12th day of November, 2019.

  
Kayla Blakney, Deputy Mayor

  
Jamie Hussey, Clerk-Treasurer