

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW NO. 09-04**

A By-law for the regulating of animals within the Township of Lake of Bays.

WHEREAS Section 103.(1) of the Municipal Act, 2001 as amended, states 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,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law; and
- (b) 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 the animals are not paid, or
 - (iii) at such time and in such manner as is provided in the by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

PART I – DEFINITIONS

1. In this by-law:

- (a) "Animal Control Officer" includes any person so designated by the Council or the By-law Enforcement Officer, to control animals under this by-law;
- (b) "dog identification system" shall include, a tag identification system, a microchip implantation or tattoo, which permits owners to identify their animals by those systems;
- (c) "Council" means the Council of the Corporation of the Township of Lake of Bays;
- (d) "dog" means any dog male or female;
- (e) "domestic cat" means a feline which would customarily share human habitat and which would normally be considered dependent on humans for food and shelter. The term shall not include a feline considered to be wild or indigenous to a species which would normally be considered to be wild;
- (f) "guide dogs" shall include dogs for assisting the hearing impaired and wheelchair users;
- (g) "kennel" includes any establishment where four or more dogs are kept;
- (h) "owner" of a dog includes a person who possesses or harbours a dog and "own", "owns" and "owned" have corresponding meanings;
- (i) "pound" includes the animal shelter at Huntsville or any other place designated by the Council of the Township of Lake of Bays;
- (j) "running at large", for the purpose of this by-law: a dog shall be deemed 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.
- (k) "Township" means the Corporation of the Township of Lake of Bays; and
- (l) "zone" means a zone as defined in the Township Comprehensive Zoning By-law.

PART II – GENERAL PROVISIONS

2. No owner shall permit a dog to be within any of the following public areas:
 - (a) All cemeteries located within the Township including but not limited to the following:
 - (i) Copper Lake located on Copper Lake Road,
 - (ii) Stewart Memorial located on Dwight Beach Road,
 - (iii) Mitzpah, located on Limberlost Road,
 - (iv) Maplewood located on Tally Ho Winter Park Road,
 - (v) Paint Lake located on Paint Lake Road,
 - (vi) Baysville Catholic located on Dickie Street, Baysville,
 - (vii) Baysville Municipal located on Dickie Street, Baysville,
 - (viii) Seabreeze located on Seabreeze Road;
 - (b) All public swimming areas within the Township including but not limited to the following:
 - (i) Baysville West dock located on old North Road, Baysville,
 - (ii) Arena Beach located on Carol Street, Baysville,
 - (iii) South Portage beach located on South Portage Road,
 - (iv) Dwight Beach located on Dwight Beach Road.
3. No owner shall permit a dog to be on land in the Township other than the land of the owner, if the dog is not on a leash, and under the control of a responsible person. Where an owner is engaged in lawful hunting a dog is not required to be on a leash.
4. No person having control of a dog or being the owner of a dog shall permit such dog to engage in persistent barking, calling or whining or other similar persistent noisemaking, such that the sound is clearly audible at any point on property, other than on the property where the sound originates.
5. Every owner of a dog shall immediately remove any excrement left by such dog on public lands within the Township, and shall dispose of such excrement in a sanitary manner.

PART III - LICENCES

6. Every owner shall provide evidence that the dog has been inoculated with anti-rabies vaccine within a period of twelve (12) months immediately proceeding the date of issuance of the dog tag.
7. Upon payment of the licence fee for a dog and provision of evidence of inoculation, spaying or neutering, the owner shall be furnished with a dog tag and shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be lawfully removed while the dog is being lawfully used for hunting in the bush.
8. Where a dog owner identifies a dog by way of a tattoo or a microchip, the owner shall nevertheless obtain a dog tag and pay the licence fee for such animal and a number shall be assigned to that animal for purposes of municipal identification. In such case, where the owner prefers to have the animal identified by tattoo or microchip, it is not necessary to affix the dog tag to the dog.
9. The annual licence fee shall expire on the 31st of December of each year;
10. Each seller of a dog tag shall provide the municipal office with a copy of the receipt and/or register bearing the serial number, the date at which it was issued and the dog tag number assigned together with name and address of the owner. The seller shall also provide to the municipal office the particulars of any microchip or tattoo affixed to the dog. All monies collected for said licences shall be remitted to the Township on a monthly basis, except for animal shelter(s) that have entered into agreements with the Township.

PART IV - RUNNING AT LARGE

11. No dog shall be allowed to run at large or otherwise create a nuisance within the municipality and that any dog found running at large may be seized and impounded by the Animal Control Officer or designate and if not claimed within three days of such seizure and impounding it may be sold for payment of pound fees applicable at the time or may be destroyed after the recorded owner, if known, has been given twenty-four (24) hours advance notice.
12. If the Animal Control Officer or his designate is unable to seize any dog or animal found to be running at large or off the premises upon which it is habitually kept, and the owner of such a dog or animal is guilty of an offence and shall be subject to a penalty in accordance with the provisions of the by-law.
13. Any person may capture any dog running at large on his property and deliver same to Animal Control Officer or other duly appointed officer, who may impound the said dog.
14. An Animal Control Officer may:
 - (a) seize and impound any dog found running at large within the meaning of this by-law,
 - (b) restore possession of the dog to the owner where:
 - (i) a legal animal identification system is affixed to the dog;
 - (ii) the owner claims possession of the dog within seventy-two (72) hours from the Pound Keeper;
 - (iii) the owner pays to the Pound Keeper the sum of twenty (\$20.00) Dollars for each day or part thereof during which the dog has been impounded; and
 - (iv) in addition to (iii), the owner pays the sum of thirty (\$30.00) Dollars in the case of a dog impounded for the first time, or, in the case of a dog impounded for a second time, the additional sum of fifty (\$50.00) dollars, or in the case of a dog impounded for a third, or subsequent time, the additional sum of eighty (\$80.00) dollars.
 - (c) where, at the end of seventy-two (72) hours, possession of the dog has not been restored to the owner of the dog, the Pound Keeper may sell the dog and the selling price of any dog so sold shall belong to the Pound Keeper.
 - (d) where the dog has not been claimed by its owner within seventy-two (72) hours and the dog has not been sold, the Pound Keeper may destroy the dog in an humane manner or otherwise dispose of the dog as he feels fit.
15. Where any dog seized under the provisions of this By-law is injured or should be destroyed without delay for humane reasons or for the reasons of safety to persons or animals, the Pound Keeper may, after having obtained the approval of a veterinarian, if possible, destroy the dog in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or without offering it for sale.
16. The Township, its agents and servants, and the Pound Keeper shall not be liable for damages or compensation for any dog destroyed under the provisions of this By-law and no such damages or compensation shall be paid to any person.

PART V – NUMBER OF DOGS PERMITTED

17. In this part, "dog" means any dog, male or female, over the age of (12) weeks
18. No person may own, harbour, or keep any more than three dogs on any one lot in any rural zone, or any more than two dogs on any one lot in any other zone, unless that person holds a valid kennel licence.
 - (a) No person shall operate a kennel unless that person has acquired a Kennel licence from the Township.

PART VI – ANIMALS OTHER

19. No person shall have more than six (6) cats in any residential dwelling within the Township.
20. Paragraph 19 shall not apply to cats under the age of four (4) months.

PART VII – DOG BITES OR ATTACKS

21. Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, the Animal Control Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as set out in the Order. Such order shall set out the conditions of muzzling and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act, R.S.O. 1990, c.D.16, as amended, has concluded or until it is deemed by the Animal Control Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.
22. Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the Township against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the Dog Owners' Liability Act, R.S.O. 1990, c.D.16 and any amendments thereto.

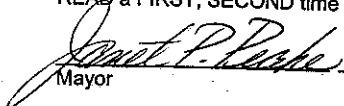
PART VIII – RABIES

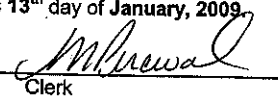
23. Where any animal is suspected of rabies, the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, and any amendments shall apply.
24. Where a dog has bitten or attacked any person or animal, and where such dog, in the opinion of the Animal Control Officer or other duly appointed officer, is displaying symptoms of rabies and the dog is believed to a danger or threat of danger to the safety of any person as a result of suspected rabies, the Animal Control Officer or other duly appointed officer may immediately kill the dog found running at large without notifying any person or without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered by the owner or any person on account of its killing regardless of whether the results of any rabies tests are positive or not.
25. Where an animal other than a dog, is in the opinion of Animal Control Officer believed to be rabid and is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Animal Control Officer may immediately kill the animal without notifying any person or without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered by the owner or any other person on account of its killing regardless of whether the results of any rabies tests are positive or not.

PART IX – OFFENCES AND ENFORCEMENT


26. If a dog is running at large, it is not a prerequisite to contravention of section 11 that the dog must be seized and impounded by an Animal Control Officer.
27. Every person who contravenes any provision of this by-law is guilty of an offence and is subject to the penalties set out in the Provincial Offences Act.
28. Every person who is guilty of an offence under this by-law may, if permitted under the Provincial offences Act, pay a set fine as approved by the appropriate Justice of the Ontario Court of Justice, in accordance with the schedule for set fines attached to this by-law.
29. By-law No. 00-22 is hereby repealed.

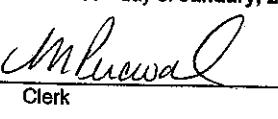
READ a FIRST, SECOND time this 13th day of January, 2009.


Mayor


Clerk

READ a THIRD time and finally passed this 13th day of January, 2009.


Mayor


Clerk