

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NUMBER 2014-134

BEING A BY-LAW FOR THE CONTROL AND LICENSING OF DOGS

WHEREAS The *Municipal Act, R.S.O., 2001* section 103 authorizes the Council of a municipality to pass by-laws regulating or prohibiting with respect to the being at large or trespassing of and control of dogs in the municipality;

AND WHEREAS The Council for The Corporation of the Township of Lake of Bays deems it advisable to enact such a by-law;

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

1.0 **DEFINITIONS:**

In this by-law,

- 1.1 "Animal Control Officer" shall mean the Municipal By-Law Enforcement Officer, and any person so designated by Council;
- 1.2 "At Large" shall mean a dog found on any property other than the premises of the owner and not restrained or under the physical control of any person;
- 1.3 "Beach" shall mean an expanse of sand or pebbles along the shore of a body of water;
- 1.4 "Bite" shall mean a puncture of the skin with teeth;
- 1.5 "By-law Enforcement Officer" shall mean the Municipal By-Law Enforcement Officer, and any person so designated by Council;
- 1.6 "Dog" shall mean any member of the species *canis familiaris* be it a male or female over the age of 12 (twelve) weeks;
- 1.7 "Dog Show" shall mean a public exhibition where dogs are shown during a competition;
- 1.8 "Dangerous Dog" shall mean but is not limited to any or all of the following:
- (i) A dog that has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so
 - (ii) A dog that has bitten, injured or killed a domestic animal
 - (iii) A dog that is attack trained
 - (iv) A dog that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property
 - (v) A dog that chases or approaches any person or domestic animal, anywhere other than the property of its owner, in a menacing fashion or apparent attitude of attack, including, but not limited to, behaviour such as growling or snarling
 - (vi) has been declared dangerous or vicious in another municipality in Ontario
- 1.9 "Harbour" shall mean owning, having care, custody or control of a dog;
- 1.10 "Muzzle" shall mean a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent a dog from biting or attacking a person or domestic animal;
- 1.11 "Municipal Law Enforcement Officer" shall mean a municipal By-Law Enforcement Officer appointed under section 15 of the Police Services Act by the Corporation of the Township of Lake of Bays and shall include any person appointed as an By-law Enforcement Officer by the Township for the purposes of this by-law;
- 1.12 "Owner" shall mean a person who possess or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor;
- 1.13 "Park" means an area of land, usually in a largely natural state, set apart, for the enjoyment of the public, having facilities for rest and recreation, owned and managed by the municipality;

- 1.14 **"Pound"** as defined in the "Animals for Research Act" means premises that are used for the sheltering, keeping, maintenance or disposal of dogs that have been impounded pursuant to a by-law of a municipality or the Dog Owners' Liability Act;
- 1.15 **"Restrained"** shall mean:
- (i) the use of a leash made of metal, rope, nylon or other similar strong material no more than (2) two meter in length and of sufficient strength and design to restrain the size and strength of a dog for which it will be used. One end must remain securely affixed to a collar or harness securely attached to the animal with the other end held by a person capable of controlling the dog at all times.
- 1.16 **"Service Animal"** shall mean an animal which is trained to assist in the movements of a person with a physical, visual, or neurological impairment and shall include a Police Dog in which a dog is trained for law enforcement for the police or other person duly appointed as a peace officer.
- 1.17 **"Township"** means the geographic area comprising the Township of Lake of Bays.
- 1.18 **"Trail"** a path or track made across a region, through an expanse of land intended for the passage of people.
- 1.19 **"Trespass"** to go or intrude on private property with no right or permission.

2.0 **GENERAL PROVISIONS**

- 2.1. Where any dog has bitten a person or a domestic animal, or is alleged to have bitten any person or domestic animal, the By-law Enforcement Officer or their designate may issue an Order to the owner requiring that the dog be kept muzzled at such times as are set out in the Order. Such an order shall set out the conditions of muzzling and the owner shall comply with all such conditions. The order shall remain into effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Issuer that the dog in question does not present a risk to public safety or an exemption is granted. The local Health Unit shall be notified by the By-law Enforcement Officer or the victim, when a dog has bitten or is alleged to have bitten.
- 2.2 Upon request, the owner of the dog is entitled to contact the By-law Enforcement Officer supervisor or appear as a delegation in front of Council of the municipality and upon examining all the facts the dog may be exempted from muzzling or the conditions of muzzling will continue to apply.
- 2.3 No owner shall disobey an order to muzzle issued under Section 2.1 of this by-law.
- 2.4 For the purpose of assembling evidence of a contravention of Section 2.1 of this by-law, the By-law Enforcement Officer may obtain a written statement, or may rely on such other evidence as that officer considers sufficient to form the basis for an Order.

3.0 **LICENSING**

- 3.1 Every person who owns or harbors any dog shall pay a license fee:
- (i) once for a lifetime licence for the life of the dog
- 3.2 The owner shall register their dog with the Township, or its agent, and provide particulars pertaining to the dog and the owner of the dog.
- 3.3 Cost of the dog licensing fees shall be set out in the User Fee By-law for the Corporation of the Township of Lake of Bays.
- 3.4 Upon payment of the license fee, the owner shall be furnished with a dog tag bearing a serial number and said tag shall be securely affixed on the dog at all times until renewed or replaced.
- 3.5 Every person who owns a dog shall notify the By-law Enforcement Officer or their designate when the contact information changes from the information provided at the time of the purchase of the tag.
- 3.6 A new resident of the Corporation of the Township of Lake of Bays shall be required to obtain a license for their dog within thirty (30) days of becoming a new resident.
- 3.7 The owner shall upon request supply written confirmation that the dog have been immunized against rabies and or proof of spay or neuter.
- 3.8 The By-law Enforcement Officer or their designate shall keep a record showing the name and address of the owner and the serial number of each tag issued.

3.9 Any licence purchased under section 3.1 is not transferable from one dog to another.

4.0 **GENERAL PROHIBITIONS**

4.1 Every person who owns or harbors a dog shall, in a sanitary manner, remove forthwith and dispose of any excrement left by such a dog anywhere on municipal property.

4.2 Every person who owns or harbors a dog shall upon leaving their property, ensure the dog is properly restrained and if stipulated muzzled.

4.3 No person shall allow a dog to run at large or otherwise create a nuisance within the municipality. Any dog found running at large may be seized and impounded by the By-law Enforcement Officer or their designate. A By-law Enforcement Officer or their designate may enter on any public or private property for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this By-Law.

4.4 If the By-law Enforcement Officer or their designate is unable to seize any dog found to be running at large, and the owner of such a dog is known, the owner is guilty of an offence and shall be subject to a penalty in accordance with the provisions of this by-law.

4.5 Where a dog is impounded, the owner, shall be liable for designated impound fees and/or veterinary fees as prescribed. All fees shall be paid prior to the release of the dog to the owner. All payments will be made to the Corporation of the Township of Lake of Bays or their representatives. If the dog has not been licensed and tagged pursuant to this by-law, the dog shall not be released to the owner until the license fee has been paid and the tag issued to the owner.

4.6 Time limitations on an impounded dog shall be three (3) business days in which the owner can have the dog returned to them after any pound, licensing, veterinary and maintenance fees prescribed shall be paid. If the dog is not claimed after three (3) business days the "Township" may sell or adopt out the dog for payment of pound fees or the dog may be destroyed in a humane manner after five (5) business days if the owner is unknown or the dog is injured or suffering. In the case where a quarantine order has been placed upon a dog(s) it must be rescinded by the local Health Unit or the By-law Enforcement Officer. If the owner is known, twenty-four (24) hour written notice shall be given to the owner before the dog is destroyed.

4.7 No person shall permit a dog to trespass on private property at any time even when the dog is equipped and restrained with a collar or harness and leash.

4.8 No person shall permit a dog to be on a municipal beach during the months of May through September inclusive.

4.9 No person shall permit a dog to be in a municipal park or on a municipal trail within the municipality unless the dog is restrained.

4.10 No person shall permit a dog to be within a municipally owned or operated facility or building used by the public at any time unless during an event where dogs have been approved.

4.11 A Service Animal shall not be restricted by the provisions in sections 4.1, 4.7, 4.8, 4.9 and 4.10.

4.12 Where an owner is engaged in lawful hunting a dog is not required to be on a leash.

4.13 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 noise.

5.0 **METHOD OF RESTRAINING AND/OR MUZZLING A DOG AFTER RECEIVING AN ORDER**

5.1 An Order to Muzzle may be completed by the By-law Enforcement Officer and contain sufficient information to identify the dog and the circumstances of the incident. In determining the conditions of muzzling a dog, the By-law Enforcement Officer may refer to any of the provisions for the Conditions of Muzzling a Dog as follows:

While the dog is on the property of the owner, the owner shall be responsible for restraining the dog by keeping it inside a building, house, enclosed pen of sufficient dimension and strength to be humane or within a securely fenced yard to prevent the dog from coming into contact with persons other than the owner or any other domestic animal. The enclosed pen or the fenced yard shall be equipped with a self-latching or locking device. Such device shall be designed in

such a manner that it cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large.

- 5.2 While the dog is off the property of the owner, as described above, the owner shall ensure that:
- (i) it is secured by means of a collar and leash with the leash being a maximum length of one (1) meter and of sufficient strength to restrain the dog and keep it from chasing/biting a person or domestic animal;
 - (ii) a muzzle is fastened humanely over the mouth of a dog of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, in order to prevent the dog from biting or attacking a person or domestic animal;
 - (iii) it is under the control of a person sixteen (16) years of age or older;

The By-law Enforcement Officer may also impose other conditions suitable to the circumstances for the protection of persons and domestic animals.

- 5.3 The By-law Enforcement Officer is notified within forty-eight (48) hours of any changes to the residency of a dangerous dog;
- 5.4 The By-law Enforcement Officer is notified within forty-eight (48) hours after the ownership of a dangerous dog is transferred to another person;
- 5.5 The By-law Enforcement Officer is notified within twenty-four (24) hours should the dog be destroyed and proof from a qualified vet provided.
- 5.6 For the purpose of assembling evidence of a contravention of this By-law, the By-law Enforcement Officer may obtain a written statement or may rely on such other evidence as that officer considers sufficient to form the basis for an Order;

6.0 SEVERABILITY

- 6.1 If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.

7.0 PENALTIES

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.
- 7.2 Every person guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "A" of this by-law.

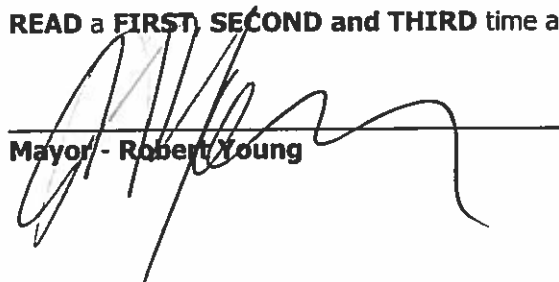
8.0 REPEAL

- 8.1 That By-laws 09-04 are hereby repealed;
- 8.2 That the set fines in Schedule "A" for By-law 2014-134 shall come into force and effect upon approval by the Chief Judge of the Ontario Court (Provincial Division).
- 8.3 That this By-law shall come into force and effect on the date of passing.

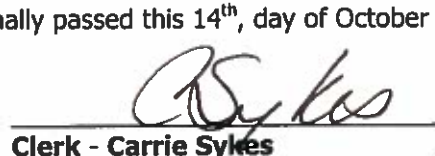
9.0 ENFORCEMENT

- 9.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this by-law at any time.

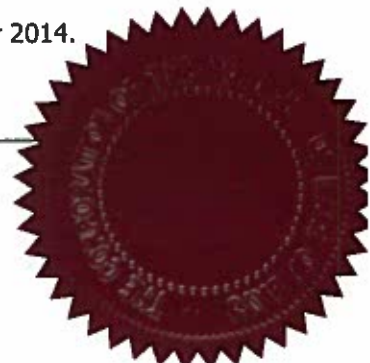
READ a **FIRST, SECOND and THIRD** time and finally passed this 14th, day of October 2014.



Mayor - Robert Young



Clerk - Carrie Sykes



The Corporation of the Township of Lake of Bays
Part I Provincial Offences Act
By-Law #2014-134: Control and Licensing of Dogs

Schedule "A"

<u>ITEM</u>	<u>COLUMN 1</u> <u>Short Form Wording</u>	<u>COLUMN 2</u> <u>Provision Creating or</u> <u>Defining Offence</u>	<u>COLUMN 3</u> <u>Set Fine</u>
1.	Failure to obey muzzle order	2.3	\$200.00
2.	Failure to pay license fee	3.1	\$100.00
3.	Failure to affix dog tag	3.4	\$100.00
4.	Fail to notify By-law Enforcement Officer of changes to owner information	3.5	\$100.00
5.	Failure to remove excrement	4.1	\$100.00
6.	Failure to restrain a dog in public	4.2	\$150.00
7.	Allowing dog to run at large or create nuisance	4.3	\$150.00
8.	Allowing dog to trespass on private property	4.7	\$100.00
9.	Allowing a dog within a municipal beach area during prohibited time	4.8	\$125.00
10.	Failure to restrain a dog in a municipal Park or on a municipal trail	4.9	\$125.00
11.	Allowing dog into a municipal operated facility or building	4.10	\$125.00
12.	Allowing a dog to persistent barking, calling or whining or other similar noise.	4.13	\$125.00

NOTE: The penalty provisions for the offences listed above is Section 7 of the By-Law No. 2014-134, a certified copy of which has been filed.

RECEIVED DEC 23 2014

THE HONOURABLE SIMON ARMSTRONG
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL EAST REGION

50 EAGLE STREET WEST
NEWMARKET, ONTARIO L3Y 6B1



L'HONORABLE SIMON ARMSTRONG
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU CENTRE-EST

50, RUE EAGLE OUEST
NEWMARKET (ONTARIO) L3Y 6B1
TELEPHONE/TÉLÉPHONE (905) 853-4890
FAX/TÉLÉCOPIEUR (905) 853-4891

December 8th, 2014

Township of Lake of Bays
R.R.#1, 1012 Dwight Beach Rd., Dwight
Muskoka, Ontario
POA 1H0

Attention: Samantha Woods, Deputy Clerk

Dear Ms. Woods:

Re: Set Fines – Part I
Township of Lake of Bays, Muskoka District

Enclosed herewith please find copies of the Orders and copies of the Schedules of set fines for the By-law Nos. 2014-096 and 2014-134.

The setting of the fines does not constitute my approval of the short form of the wording used to describe the offences.

I have forwarded copies of the Orders and the Schedules of set fines to the POA Court in Bracebridge, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in cursive script that reads "S Armstrong".

Simon Armstrong
Regional Senior Justice
Central East Region

/bmw

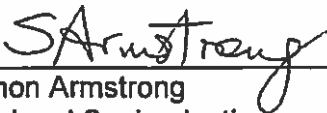
Enclosures

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2014-096 for The Corporation of the Township of Lake of Bays, attached hereto is the set fine for those offences. This Order is to take effect December 8th, 2014.

DATED at Newmarket this 8th
day of December, 2014.



Simon Armstrong
Regional Senior Justice
Central East Region

The Corporation of the Township of Lake of Bays

PART I PROVINCIAL OFFENCES ACT

By-Law #2014-096: Prohibit and/or Regulate Trailers and Camping

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Occupying a trailer without a licence.	Section 3.(a)	\$250
2	Non-removal of trailer once licence has expired.	Section 3.(e)	\$250
3	Property owner permitting an unlicensed trailer to be occupied	Section 3.(f)	\$250
4	Camping on land owned by the Township of Lake of Bays	Section 4.(a)	\$250
5	Camp on vacant land	Section 4.(b)	\$250
6	Hinder or obstruct enforcement officer	Section 5.(c)	\$250

Note: The general penalty provision for the offences listed above is Section 5 of By-law 2014-096, a certified copy of which has been filed.

CERTIFIED A TRUE COPY OF
By-law: 2014-096 Pages 1 to 5 Nov. 21/14
Deputy Clerk *[Signature]*
TOWNSHIP OF LAKE OF BAYS