

# CORPORATION OF THE VILLAGE OF BURK'S FALLS

## BY-LAW NO. 8-2017

### BEING A BY-LAW TO REGULATE THE CARE AND CONTROL OF ANIMALS

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, R.S.O. authorize the Village of Burk's Falls to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of persons and property; and animals; and

**AND WHEREAS** subsection 8(3) of the Municipal Act, 2001, R.S.O provides that a by-law under section 10 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a person to do things respecting the matter, or may provide for a system of licences respecting the matter;

**AND WHEREAS** subsection 103(1) of the Municipal Act, 2001, R.S.O provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded animals;

**AND WHEREAS** section 425 of the Municipal Act, 2001, R.S.O authorizes the Village of Burk's Falls to pass by-laws indicating that a person who contravenes a by-law of the Village of Burk's Falls passed under that Act is guilty of an offence;

**AND WHEREAS** the Municipal Act, 2001, R.S.O further authorizes the Village of Burk's Falls, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

**NOW THEREFORE the Municipal Council of the Corporation of the Village of Burk's Falls hereby enacts as follows:**

#### 1. ADMINISTRATION AND INTERPRETATION

##### Short Title

1. This By-law may be referred to as "Regulation of Dogs By-law"

##### 1.1 Administration

This By-law will be administered by the Clerk and may be enforced by the Officers for the Village of Burk's Falls.

##### Definitions:

- "**aggressive**" shall mean: a) an assault resulting in bleeding, bone breakage, sprains, puncturing of skin, scratches or bruising; or b) aggressive behaviour resulting in physical contact and damage to clothing worn by the person or domestic animal, and "attacked" or "attacking" have a corresponding meaning;
- "**Altered**" shall mean spayed or neutered animal
- "**By-law Enforcement Officer**" shall mean a person appointed by Council as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;
- "**dog**" shall mean any member of the of the canine family;
- "**dwelling unit**" shall mean a building, room or rooms occupied or intended for use as a housekeeping unit in which sanitary, cooking, living and sleeping facilities exist;
- "**Medical Officer of Health**" shall mean the Medical Officer of Health for the North Bay Parry Sound District Health Unit or authorized assistants or persons acting under his or her authority;
- "**owner**" shall mean any person who possesses or harbours a dog, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal, and the word "owns" has a similar meaning;
- "**running at large**" shall mean being found in any place other than the premise of the owner and not under the physical control of any person
- "**service animal**" shall mean an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;

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- j) "Village" shall mean the municipal corporation known as the Village of Burk's Falls
- k) "without provocation" mean in the absence of teasing, tormenting, abusing or assaulting actions upon the dog, or its owner, either in the past or the present, by the person or domestic animal who sustained the bite or attack

**2. CARE AND CONTROL GENERAL PROVISIONS**

- 2.1 Every person who keeps a dog within the Village shall ensure that such animal is provided with:
  - a) a clean and sanitary environment free from an accumulation of fecal matter;
  - b) adequate and appropriate care, food, water, shelter, shade and opportunity for physical activity.

**3. LICENSING PROVISIONS**

- 3.1 Every owner of a dog shall obtain a licence for each dog with the Village of Burk's Falls prior to February 15<sup>th</sup> of each year. Licenses shall expire on the 31<sup>st</sup> day of December of the corresponding year. Set fees for licences is prescribed in Schedule "A".
- 3.2 Licences can be obtained at the Village of Burk's Falls Municipal Office. All information collected for the purpose of the dog control license is protected by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990.
- 3.3 Every owner will ensure to keep the tag issued for the dog securely affixed on the animal. Tags are not transferable.
- 3.4 No owner or owners shall keep or permit to be kept:
  - a) More than three (3) dogs within or about any single detached dwelling; or;
  - b) More than two (2) dogs within or about any dwelling unit for properties with two (2) or more dwelling units.
- 3.5 Fees for licenses for the initial dog tag and replacement tags shall be set out in Schedule A attached hereto.

**4. RESPONSIBILITIES OF THE OWNER:**

- 4.1 No owner of a dog shall permit it to run at large in the Village of Burk's Falls.
- 4.2 No owner shall permit their dog, whether leashed or unleashed to trespass on private property.
- 4.3 No owner shall allow their dog to be on a public road or in a public place at any time unless the dog is on a leash and such leash is held onto by a person.
- 4.4 Notwithstanding section 4.4 no dog shall be allowed to be at large at any time in any area designated as a public park or trail.
- 4.5 Every owner of a dog shall forthwith clean up and dispose of any excrement left by their dog on any property other than their own. This section 4.6 does not apply to owners of registered handicap assist dogs.
- 4.6 No owner shall permit any dog, owned or in their care, to excessively bark or create any unnecessary noise that is likely to disturb any inhabitant of the Village of Burk's Falls.

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**5. ENFORCEMENT:**

- 5.1 The By-law Enforcement Officer shall seize and subsequently deliver any dog running at large to the Ontario Humane Society; and;  
a) when a dog is delivered to Ontario Humane Society, the owner of the animal will be liable for all fees charged for the impound
- 5.2 Every dog, if impounded and not claimed within a three-day period may be sold.
- 5.3 Any person shall be entitled to take charge of any dog found running at large and deliver same to the By-law Enforcement Officer.
- 5.4 Nothing in this bylaw shall prevent the Animal Control Officer from destroying an animal which is ill or injured and where, in their opinion, is incapable of being cured.
- 5.5 All dog owners are required to adhere to the regulations indicated in the Dog Owners Liability Act, R.S.O, 1990, c.D. 16

**6. PENALTIES:**

- 6.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act as set out in Schedule "B".
- 6.2 That all sections of this by-law shall be deemed to be separate and independent therefor validity of any section or provision thereof shall not effect the remaining sections.

**7. VALIDITY:**

- 7.1 If there is a conflict between a provision of the Dog Owners Liability Act or a regulation under the Act, or any other Act relating to dogs, including but not limited to, pit bulls, and the provisions of this by-law, the provision that is the most restrictive in relation shall prevail.

**8. REPEALS:**

- 8.1 By-law 11-2005 is hereby repealed.
- 8.2 By-law 19-2004 regarding the care and control of cats is hereby repealed.

**AS READ A FIRST AND SECOND TIME AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 23<sup>rd</sup> DAY OF MAY, 2017.**

**SEAL**



**REEVE, CATHY STILL**



**CLERK NICKY KUNKEL**

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**SCHEDULE "A"  
LICENSE FEE**

1 <sup>st</sup> Dog	\$10.00
2 <sup>nd</sup> Dog	\$15.00
Each Altered dog	\$ 8.00
Replacement Tag	\$ 5.00
Impound Fee	\$50.00

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**SCHEDULE "B"  
REGULATION OF DOGS – SET FINES**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision</b>	<b>COLUMN 3 Set Fine</b>
1	Failure to provide essentials for dog	2.1 (b)	\$100.00
2	Failure to purchase dog license	3.1	\$100.00
3	Keep or permit more than 3 dogs in a single family dwelling	3.4(a)	\$100.00
4	Keep or permit more than 2 dogs in a dwelling unit	3.4(b)	\$100.00
5	Allow dog to run at large	4.1	\$100.00
5	Trespass on private property	4.2	\$100.00
7	Fail to leash dogs in public place	4.3	\$100.00
8	Allow dog to run at large at public park or trail	4.4	\$100.00
9	Fail to clean up excrement	4.5	\$100.00
10	Allow excessive barking or unnecessary noise	4.6	\$100.00

**Note: the general penalty provision for the offences listed above is section 6 of bylaw 08-2017, a certified copy of which has been filed.**