



THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

By-Law No. XX-2023

BEING A BY-LAW TO REGULATE THE KEEPING OF ANIMALS IN THE MUNICIPALITY OF RED LAKE

WHEREAS *Section 10(2)(9) of the Municipal Act, S.O. 2001, as amended,* enables a single-tier municipality to pass by-laws respecting animals; and

WHEREAS *Section 8(3) of the Municipal Act, S.O. 2001, as amended,* provides that a by-law under Section 10 respecting a matter may: (a) regulate or prohibit respecting the matter; (b) require persons to do things respecting the matter; and (c) provide for a system of licenses respecting the matter; and

WHEREAS *Section 8(4) of the Municipal Act, S.O. 2001, as amended,* provides that a by-law under the Municipal Act, may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate; and

WHEREAS *Section 103 of the Municipal Act, S.O. 2001, as amended,* provides that a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for, the seizure, impounding and sale of animals being at large or trespassing contrary to the by-law; and

WHEREAS *Section 105 of the Municipal Act, S.O. 2001, as amended,* provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement.

WHEREAS *Section 128 of the Municipal Act, S.O. 2001, as amended,* allows a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake hereby **ENACTS AS FOLLOWS:**

1. DEFINITIONS

- 1.1 "Aggressive Dog" shall mean any dog which, without provocation, has bitten a person or a domestic animal, threatens or has threatened an action to attack a person or domestic animal, or attacks or has attacked a person or domestic animal, and "aggressive" shall have a like meaning.
- 1.2 "By-Law Enforcement Officer" shall mean the person appointed by the Corporation to perform the duties of the By-Law Enforcement Officer or delegate.
- 1.3 "Cat" shall mean a male or female animal of the feline family that has been domesticated and is over the age of twelve (12) weeks.
- 1.4 "Confinement period" shall mean the period of time a dog is impounded until the By-Law Enforcement Officer has certified the dog to be or not to be an aggressive dog, or the dog has been ordered to be released or destroyed by a Court, or the dog has been released with the consent of the By-Law Enforcement Officer to the owner or to another person.
- 1.5 "Dog" shall mean either a male or female canine at least eight (8) weeks old.

1. DEFINITIONS - Continued

- 1.6 'Dwelling' Shall mean any building or structure for human habitation including duplexes, apartments and other buildings housing one or more families.
- 1.7 "Enclosed Structure" shall mean:
- 1.7.1 a secure confinement indoors, or
 - 1.7.2 secure confinement in:
 - (i) A fully enclosed pen,
 - (ii) fully fenced yard with a height that prevents the dogs escape and latch on gate,
 - (iii) or locked structure of sufficient construction and dimension to provide humane shelter for the dog,
 - 1.7.3 Protected from the elements
 - 1.7.4 Designed to prevent dog from escaping and prevent entry from children.
- 1.8 "Household" shall mean a group of persons who dwell under the same roof and compose a family unit.
- 1.9 "Leash" shall mean a leash that is:
- a) adequate to control the dog to which it is attached; and
 - b) securely attached to the dog.
- 1.8 "Municipality" shall mean The Corporation of the Municipality of Red Lake.
- 1.9 "Muzzle" shall mean a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting.
- 1.10 "Nuisance Dog" shall mean any dog in respect of which there have been two or more convictions under this By-law.
- 1.11 "Owner" shall mean any person, or group of persons, partnership or corporation who possesses or harbors a dog, and "owns" and "owned" have a corresponding meaning.
- 1.12 "Peace Officer" shall include any Police Officer, By-Law Enforcement Officer, or an inspector or agent under the *Ontario Society for the Prevention of Cruelty to Animals Act*.
- 1.13 "Pound" shall mean a suitable premise designated by the Council to be used as a municipal pound for housing dogs temporarily.
- 1.14 "Premises" shall mean a piece of land and the house and buildings on it.
- 1.15 "Public Dog Boarding Kennel" shall mean any premises where dogs are boarded or trained for a fee.
- 1.16 "Spayed or Neutered" shall mean a veterinarian's certificate has been issued indicating that a female dog is spayed or a male dog is neutered.
- 1.17 "Working Dog" shall mean any dog specifically trained for and actually used by any person whose sight is impaired or is blind, or whose hearing is impaired or is deaf, or who, that because of a disability (within the meaning of the Human Rights Code) relies upon a dog as a guide. The dog must be registered with a

recognized institute as a working dog.

2. LICENSES

- 2.1 No person residing within the limits of the Municipality shall own a dog without obtaining an annual license as required by this By-Law and every owner of a dog shall be subject to the provisions of this By-Law.
- 2.2 Notwithstanding Section 2.1 no owner of a dog shall be required to obtain a license until that dog has attained the age of four (4) months.
- 2.3 A license shall be procured and renewed pursuant to this By-Law by applying to the Municipality for said or renewed license, as the case may be, and by paying the Municipality the fee prescribed by the User Fees and Charges By-Law.
- 2.4 Any license issued pursuant to this By-Law shall be in the form of a dog tag.
- 2.5 Every license shall bear a serial number for the current year.
- 2.6 A record shall be kept by the By-Law Enforcement Officer for each dog with respect to which a license may be issued, showing the name, address, and phone number of the owner, a description of the dog, including any pure-bred markings, the name of the dog, the breed of the dog, the sex of the dog, and at the time of registration documentation to support whether it has been spayed or neutered, and this information shall be supplied by the owner prior to the issue of a license, pursuant of this By-Law.
- 2.7 Where a person who is the owner of a dog becomes a resident in the Municipality of Red Lake and is in possession of a valid dog license issued by another municipality, application shall be made to the Municipality for a license pursuant to this By-Law within 5 days of becoming a resident, and a license shall be issued upon the following conditions:
 - 2.7.1 payment of the license fees as per the User Fees and Charges By-Law; and
 - 2.7.2 surrender of the dog license issued by the other municipality.
- 2.8 Every license issued pursuant to this By-Law shall expire on the 31st day of January next following the date of issue of the license, unless renewed in accordance with the provisions of Section 2.9 of this By-Law.
- 2.9 Every license shall be renewed yearly during normal business hours between the 1st day of December and the 31st day of January of the next year inclusive.
- 2.10 The owner shall keep the dog tag securely fixed on the dog at all times until the tag is renewed or replaced.
- 2.11 No owner shall use a tag on a dog other than that dog for which it was issued.
- 2.12 Every impounded dog may be scanned with the microchip detector for an identification chip.
- 2.13 Upon losing a tag of the licensed dog, the owner shall obtain a new tag from the Municipality for the fee set out in the User Fees and

Charges By-Law.

2. LICENSES - Continued

2.14 No refund shall be made of any license fee.

3. FEES

3.1 The license fees as per the User Fees and Charges By-Law shall be paid to the Municipality at the time of issuance or renewal of a license.

3.2 If there is a change of ownership of a dog during the license year, the license holder shall notify the Municipality immediately of the change of ownership, and the new owner shall pay a fee as per the User Fees and Charges By-Law.

3.3 Working dogs shall be licensed, and every owner of a working dog shall be subject to the provisions set out in this By-Law, except that there shall be no license fee payable.

3.4 A late fee as per the User Fees and Charges By-Law shall be paid where an owner applies for renewal of a license after it has expired pursuant to Section 2.9 of this By-Law.

4. PUBLIC DOG BOARDING KENNELS

4.1 Notwithstanding the provisions of Section 3, the owner of a Public Dog Boarding Kennel shall pay an annual license fee to the Municipality if required by the Licensing By-Law.

4.2 Owners and operators of Public Dog Boarding Kennels shall comply with the provisions set out in Sections 4.3 through 4.13 inclusive.

4.3 An inspection of the premises by the By-Law Enforcement Officer shall occur prior to the approval of the Public Dog Boarding Kennel, as well as annually or as the By-Law Enforcement Officer deems necessary.

4.4 A Public Dog Boarding Kennel shall be permitted only in premises which are zoned so as to include the boarding of dogs as a permitted use within the Zone.

4.5 The floors of each room in which dogs are kept shall be:

4.5.1 soundly constructed of hard, durable material;

4.5.2 impervious to water;

4.5.3 constructed of a material that may be readily sanitized; and

4.5.4 maintained in a good state of repair from cracks, holes and other damage.

4.6 Each room that is used for the housing of dogs shall be equipped with a lighting system that is so designed, constructed and maintained that:

4.6.1 it distributes light evenly and with little glare;

4.6.2 it provides adequate light for the proper observation of every animal in the room; and

4. PUBLIC DOG BOARDING KENNELS - Continued

- 4.6.3 it is adequately lighted for a continuous period of at least eight (8) hours in every twenty-four (24) hour period.
- 4.7 Each room that is used for the housing of dogs shall, at all times, be adequately ventilated for the health, welfare and comfort of every dog therein.
- 4.8 Each room that is used for the housing of dogs shall, at all times, be maintained at a temperature suitable for the health, welfare and comfort of every dog therein.
- 4.9 Each cage or pen used for the housing of dogs shall be so constructed and maintained that:
 - 4.9.1 every dog in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around and bed down in a fully extended position;
 - 4.9.2 it is not likely to harm any dog therein;
 - 4.9.3 Any dog therein cannot readily escape therefrom; and it may be readily cleaned.
- 4.10 The yards and runways shall:
 - 4.10.1 be adequately fenced as to prevent any dog from escaping therefrom;
 - 4.10.2 be kept in a clean condition free from any materials or equipment likely to cause harm to a dog; and
 - 4.10.3 include access to a shelter that is:
 - a) readily accessible to the dog;
 - b) large enough to comfortably accommodate all of the dogs in the run;
 - c) be so constructed and maintained as to provide protection from the effects of direct sunlight, precipitation and wind; and
 - d) that is dry and well drained.
- 4.11 Notwithstanding any other provisions of this By-Law, and in addition to any other applicable provision, each area in which dogs are kept shall, at all times, be maintained in a clean and sanitary condition.
- 4.12 Excreta, dead animals and other waste resulting from the keeping of dogs shall be removed daily from the kennel premises.
- 4.13 The Medical Officer of Health for the Northwestern Health Unit may enter any building and order the removal of any matter or thing which is dangerous or injurious to the public health including any or all the dogs, whenever it appears, to the Medical Officer of Health, that it is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health.

5. DOGS RUNNING AT LARGE

- 5.1 No person shall suffer, allow or permit any dog to run at large within the limits of the Municipality of Red Lake.
- 5.2 A Peace Officer may seize any dog running at large.
- 5.3 A Peace Officer may enter onto any public property, or private property with the consent of the owner or tenant, for the purpose of seizing any dog running at large.
- 5.4 For the purposes 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 direct control of a competent person.
- 5.5 A dog shall be deemed not to be under the control of a competent person when the dog is not on a leash held by the competent person.
- 5.6 No person shall suffer, allow, or permit a dog to trespass on private property whether on a leash or not.
- 5.7 No person shall suffer, allow or permit a dog to defecate on private or public property without immediate removal.
- 5.8 No person shall suffer, allow or permit a nuisance dog to run at large within the limits of the Municipality of Red Lake.
- 5.9 No person shall suffer, allow or permit a dog to chase a person, domestic animal or vehicle in an aggressive manner.

6. IMPOUNDMENT

- 6.1 The By-Law Enforcement Officer who has seized a dog found running at large or trespassing may return it to the owner's habitual residence if known, with appropriate fines being levied, or deliver it to the pound, when practical, where it can be confined, subject to the right of the owner to redeem the dog within the redemption period as set out in Section 6.8 of this By-Law by paying to the Municipality the impound fees as per the User Fees and Charges By-Law and any fines levied.
- 6.2 In the event a dog is not redeemed by the owner within the redemption period, the dog shall become the property of the Municipality, which may sell it or dispose of it as deemed fit. When not practical to impound, a dog running at large or trespassing may be destroyed whether before or after impoundment and, in either event aforesaid, no damages or compensation shall be recovered on account of a dog being destroyed or other method disposition.
- 6.3 The owner of every dog impounded, whether or not the dog is claimed by the owner from the pound, is liable for the payment of the impound fee, the boarding fee, any fines levied and any applicable disposal fees.
- 6.4 No dog may be released from the pound to an owner without all fees having been paid in full.

6. IMPOUNDMENT - continued

- 6.5 In the event that a dog has not been redeemed within the redemption period and the dog has become the property of the Municipality, the By-Law Enforcement Officer may order the dog destroyed or place the dog if suitable, as a pet with a new owner or organization such as the O.S.P.C.A. or a humane society and attach such conditions as the Municipality may prescribe.
- 6.6 Where a dog that has been impounded is injured or, in the opinion of the By-Law Enforcement Officer, should be destroyed without delay for humane reasons or safety to persons or other animals, the By-Law Enforcement Officer may destroy the dog in a humane manner as soon after seizure as deemed fit, without permitting any person to reclaim the animal or without offering it for sale and, in that event, no damages or compensation shall be recoverable on account of its being destroyed.
- 6.7 When, in the judgment of the Municipality or its agents, an impounded dog should be destroyed for humane reasons, such animal may not be redeemed.
- 6.8 The minimum redemption period shall be three days, excluding the day on which the dog was impounded, weekends and statutory holidays.
- 6.9 Where a dog is destroyed at the request of the registered owner, such owner shall be required to complete an Authorization Form and pay a fee as per the User Fees and Charges By-Law before such service is performed.

7. DOGS IN PUBLIC PLACES

- 7.1 No person shall suffer, allow or permit any dog whether on a leash or not, to be in any place designated as a municipally controlled public beach or playground where posted.

8. AGGRESSIVE DOGS

- 8.1 No person shall suffer, allow or permit any dog to bite a person or domestic animal.
- 8.2 When an owners' dog has bitten or attacked a person or domestic animal, the owner of the dog shall surrender the dog to a Peace Officer upon request.
- 8.3 If such dog is not voluntarily surrendered to a Peace Officer a Justice of the Peace may issue an Order to seize and impound such dog.
- 8.4 The owner shall pay the maintenance fee as per the User Fees and Charges By-Law during the period of impoundment.
- 8.5 The By-Law Enforcement Officer may declare a dog to be aggressive, subject to the findings of an investigation as set out in Section 8.6.
- 8.6 To determine if a dog should be declared Aggressive, an investigation may take into consideration the following circumstances:
 - 8.6.1 the past and present temperament and behaviour of the dog;

8. AGGRESSIVE DOGS - Continued

- 8.6.2 the propensity, tendency or disposition to bite or attack persons or other domesticated animals without provocation;
 - 8.6.3 the seriousness of any injuries caused by the dog biting a person or domestic animal;
 - 8.6.4 any unusual contributing circumstances tending to justify the action of the dog;
 - 8.6.5 the probability that a similar attack will be repeated;
 - 8.6.6 the dog's physical potential for inflicting harm;
 - 8.6.7 precautions taken by the owner to preclude similar attacks or threatened action to attack in the future; and
 - 8.6.8 any other circumstances that the By-Law Enforcement Officer considers to be relevant.
- 8.7 The By-Law Enforcement Officer may choose to have Canine Behaviour Testing completed as part of the investigation as set out in Section 8.6. The owner shall pay any costs and/or fees resulting from the testing if the dog is declared aggressive as a result of said testing.
- 8.8 A dog found running at large or trespassing, which in the opinion of a Peace Officer may be aggressive or which has been the subject of a complaint by another person that the dog may be aggressive, shall be impounded and processed in the same manner as set out in Section 6.
- 8.9 Within seven days of a dog being impounded under the circumstances set out in Section 8.6, a By-Law Enforcement Officer shall investigate the circumstances of the biting or attacking by the dog, or of the complaint.
- 8.10 If required, the dog shall remain impounded until the investigation is completed and the By-Law Enforcement Officer has made his/her declaration.
- 8.11 A declaration by the By-Law Enforcement Officer that a dog is aggressive shall be in writing and an order served to owner of the dog.
- 8.12 Where the By-Law Enforcement Officer has declared a dog to be an aggressive dog as provided in this Section of the By-Law the Enforcement Officer may Order:
- 8.12.1 that the dog be thereafter muzzled, and/or leashed and/or otherwise contained as set out in Section 9 and any other order as set forth by the By-Law Enforcement Officer;
 - 8.12.2 that the dog be destroyed in such manner as is provided in the Order.
- 8.13 Subject to Section 8, every person who is in possession of a dog that is deemed to be an aggressive dog shall ensure that the requirements of the designation, and as set out in the notice, are complied with at all times.

8. AGGRESSIVE DOGS - Continued

8.14 Upon the request of the owner of the dog, council shall hold a hearing to determine whether or not to exempt the owner in whole or in part from the order set forth in section 8.12 above.

8.14.1 The owner of the dog shall advise in writing, the Clerk of the Municipality of Red Lake within seven (7) days from the day the Aggressive Dog Order is served.

8.15 Every person who transfers the ownership of an aggressive dog to any other person shall within two (2) working days of such transfer of ownership, notify the By-Law Enforcement Officer of such transfer and shall give full and complete particulars of the name and address of the new owner, together with other information as the By-Law Enforcement Officer may require in order to identify and locate the new owner and the aggressive dog.

9. MUZZLING, LEASHING AND CONTAINMENT OF AGGRESSIVE DOGS

9.1 Subject to Section 8.11 after a dog has been declared Aggressive, every owner shall ensure that the dog is muzzled and leashed while said dog is on any property in the Municipality.

9.2 Every owner of a dog that is declared an aggressive dog shall ensure that, when the dog is on the premises of the owner:

9.2.1 the dog is confined in an enclosed structure as described in Section 1.5 of this By-Law.

9.3 A warning sign shall be posted on the owners' private property in the form and location required by the By-Law Officer.

9.4 Upon the request of the owner of the dog, council shall hold a hearing to confirm, amend/ apply conditions, or rescind the order set forth in Section 9.1 and 9.2.

9.5 Subject to Section 9.4 all items in Section 8.6 shall be taken into consideration when reviewing an appeal for a dog that has been declared aggressive.

9.6 Where it is alleged that a dog has bitten any person or domestic animal, such dog may be impounded and held by the Pound until investigation proceedings have been held, provided that no dog shall be so impounded or held for a period in excess of 21 days unless otherwise ordered by a judge.

10. CATS

10.1 No person shall harbour, keep, have in his/her possession or in his/her premises more than (3) cats over the age of (6) six months, regardless of the number of people who may be inhabiting the premises.

10.2 No person shall suffer, allow or permit any cat to run at large within the limits of the Municipality of Red Lake.

10.3 No person shall suffer, allow, or permit a cat to trespass on private or public property

10.4 No person shall suffer, allow, or permit a cat to defecate on private or public property without immediate removal.

11. ENFORCEMENT

- 11.1 Notwithstanding anything in this By-Law, owners are subject to the Dog Owner's Liability Act and any other applicable legislation.
- 11.2 The Municipality, its agents and servants, and the By-Law Enforcement Officer shall not be liable for damages or compensation for any animal killed under the provisions of this By-Law and no such damages or compensation shall be paid to any person.
- 11.3 If there is a conflict between a provision of the Dog Owner's Liability Act or a Regulation under that Act, or any other Act relating to pit bulls, or another By-Law relating to pit bulls, and a provision of this By-Law relating to pit bulls, the provision that is most restrictive in relation to the control over bans on pit bulls prevails.
- 11.4 No person shall contravene this By-Law without having written permission from the Municipality.
- 11.5 No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
- 11.6 Every person shall comply with any Order or Notice issued under the authority of this by-law.

12 . OFFENCES AND PENALTIES

- 12.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offence and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.
- 12.2 A court in which the conviction has been entered, or any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and such Order shall be in addition to any other penalty imposed on the person convicted.

13. VALIDITY

- 13.1 If a court of competent jurisdiction declares any provision, any part of a provision, in the By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision in this By-Law authorized by By-Law be applied and enforced in accordance with the terms to the extent possible according to law.

14. SHORT TITLE

- 14.1 This By-Law may be cited as the Municipality of Red Lake "Animal Control By-Law".

15. IMPLEMENTATION

- 15.1 By-Law No. 27-2021 shall be repealed on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. XX-2023.

READ a FIRST and SECOND TIME this 15th day of January, 2024.

Fred Mota, Mayor

Christine Goulet, Clerk

READ a THIRD TIME and FINALLY PASSED this 15th day of January, 2024.

Fred Mota, Mayor

Christine Goulet, Clerk

SET FINES

"Part 1 Provincial Offences Act"

Municipality of Red Lake By-Law No. XX-2023

Title: Animal Control By-Law

Item	Column 1 (Short Form Wording)	Column 2 (Provision creating or defining offence)	Column 3 (Set Fines)
1.	Fail to license dog	Sec. 2.1	\$50.00
2.	Fail to renew licence	Sec. 2.9	\$50.00
3.	Fail to keep tag affixed	Sec. 2.10	\$50.00
4	Use tag on another dog	Sec. 2.11	\$50.00
5.	Allowing dog to run at large	Sec. 5.1	\$100.00
6.	Allowing dog to defecate on private property	Sec. 5.7	\$100.00
7.	Allowing dog to defecate on public property	Sec. 5.7	\$100.00
8.	Allowing Nuisance dog to run at large	Sec. 5.8	\$200.00
9.	Allowing dog to chase (person) (vehicle)(domestic animal)	Sec. 5.9	\$150.00
10.	Allowing dog in designated public property	Sec. 7.1	\$100.00
11.	Allowing dog to bite any person or domestic animal	Sec. 8.1	\$250.00
12.	Fail to abide by conditions in Aggressive Dog Order.	Sec. 8.13	\$300.00
13.	Fail to notify of change of residence of aggressive dog	Sec. 8.15	\$100.00
14.	Fail to keep aggressive dog leashed	Sec. 9.1	\$100.00
15.	Fail to keep aggressive dog muzzled	Sec. 9.1	\$100.00
16.	Fail to keep aggressive dog confined	Sec. 9.2	\$200.00
17.	Keep more than 3 cats over the age of 6 months	Sec. 10.1	\$100.00
18.	Allowing a cat to run at large	Sec. 10.2	\$100.00
19.	Allowing a cat to trespass	Sec. 10.3	\$100.00
20.	Allowing a cat to defecate on private or public property	Sec. 10.4	\$100.00

21.	Hinder or obstruct, directly or indirectly, an Officer, employee or agent	Sec. 11.5	\$100.00
22.	Fail to comply with an Order or Notice issued	Sec. 11.6	\$150.00

"NOTE: the general penalty provision for the offences listed above is Section 12 of By-Law No. XX-2023 , a certified copy of which has been filed and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."