

THE CORPORATION OF THE TOWNSHIP OF O'CONNOR  
BY-LAW NUMBER 2006-04 – as amended

A By-law for the control of dogs running at large within the Corporation of the Township of O'Connor.

WHEREAS pursuant to Section 11 (1) 9., of the Municipal Act, 2001 a single tier municipality may pass by-laws respecting animals;

AND WHEREAS Section 103 (1) (a), of the Municipal Act, 2001 provides for the seizure and impounding of animals being at large or trespassing contrary to the by-law;

AND WHEREAS Section 103 (1) (b), of the Municipal Act, 2001 provides for 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 animals are not paid, or (iii) at such time and in such manner as is provided by the By-law;

AND WHEREAS Section 103 (1) (c) of the Municipal Act, 2001 provide the municipality with the authority for the establishment of procedures for the voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened;

AND WHEREAS Section 103 (2) of the Municipal Act, 2001 provides that if payment is not made in accordance with the procedures established under clause (1)(c), the fine is recoverable under the Provincial Offences Act, 2001, c. 25, s. 103 (2).

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF O'CONNOR ENACTS AS FOLLOWS:

1. For the purpose of this By-law:
  - a) "Dogs" means a male or female dog;
  - b) "Owner" of a dog includes any person who is responsible for, possesses or harbours a dog and where the owner is a minor, person responsible for the custody of the minor. "Owns" or "Owned" have corresponding meanings;
  - c) "Animal Control Officer" includes the Dog Control Officer, By-law Enforcement Officer, a Peace Officer, and any person appointed as a Provincial Offences Officer.
2. For the purposes of the By-law, a dog shall be deemed to be running at large when
  - a) found in any place other than the premises of the dog, and
  - b) not under the control of any person.A dog shall not be considered under the control of any person unless it is connected to that person by a leash or similar apparatus no longer than four metres in length.
3. Every owner of a dog shall prevent such dog from running at large.
4. An "Animal Control Officer" may impound any dog found running at large.
5. An "Animal Control Officer" shall make reasonable effort to locate the owner of any dog found running at large.

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BY-LAW NUMBER 2006-04 (con't)

6. a) Subject to the rights of the Corporation of the Township of O'Connor to retain possession of any dog, and dog impounded pursuant to the provisions of this By-law, a dog may be redeemed by the owner during the minimum redemption period provided for in the Animals for Research Act, R. S. O. 1990, c A-22, or during any greater period provided for in any By-law passed by the Council of the said Corporation, pursuant to Section 20 of the said Act, upon payment of the sum of one hundred dollars (\$100.00) for the first offence, or one hundred and fifty dollars (\$150.00) for the second offence within the same twelve (12) month period, together with a charge for the animal's keep at the rate of twenty five dollars (\$25.00) per day if the animal is impounded at the residence of the Township's Dog Control Office and/or at the current rate of Thunder Bay Animal Services if brought to their office.  
  
b) In the event that the owner of a dog impounded pursuant to the provisions of this By-law does not redeem such dog as provided in Sub-Section 6 (a) hereof, such dog may be placed for adoption or sold or destroyed in accordance with the provisions of the Section 20 of the said Animals for Research Act.
7. A person who has been charged with an offence contrary to Section 3 of this By-law may, within seventy-two (72) hours of the issuance of the Notice of Offence relating to such charge, attend at 1805 E. Arthur Street and make a voluntary out of Court payment of one hundred dollars (\$100.00).
8. The minimum fine for a conviction of any of the provisions of this By-law shall be one hundred and fifty dollars (\$150.00) exclusive of costs.
9. 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, subject to the provisions of this By-law, as provided for in the Provincial Offences Act.
10. By-law Number 97-05, as amended, of the Corporation of the Township of O'Connor is hereby repealed.
11. This By-law shall come into force and take effect upon the final passing thereof.

Read a First, Second and a Third Time and Passed this 30th day of January, 2006.

The Corporation of the  
Township of O'Connor

Ron Nelson  
Mayor

Lorna Buob  
Clerk-Treasurer

As amended by: By-law 2009-16, 2010-07, 2010-28, 2010-29