

THE CORPORATION OF THE TOWNSHIP OF O'CONNOR
BY-LAW NUMBER 2024-05

Being a By-law for Regulating the Running at Large and Controlling of Dogs within the Corporation of the Township of O'Connor, and to repeal By-law Number 2023-31 and all By-laws amending By-law Number 2006-04 .

WHEREAS pursuant to Sections 9 and 11 of the Municipal Act, 2001, S.D. 2001, c.25, as amended (the "Municipal Act, 2001"), authorizes a single tier municipality to pass by-laws respecting animals;

AND WHEREAS Section 103 (1)(a), of the said Municipal Act, 2001, confers the power to regulate or prohibit dogs from being at large or trespassing and for the seizure and impoundment of animals being at large or trespassing contrary to the By-law;

AND WHEREAS Section 103 (1)(b), of the said 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 in the By-law;

AND WHEREAS Section 391 (1)(a), of the said Municipal Act, 2001, enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS Section 426 (1), of the said Municipal Act, 2001, states that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty contrary to the By-law;

AND WHEREAS Section 436 (1), of the said Municipal Act, 2001, a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is being complied with;

AND WHEREAS Section 436 (2)(c), of the said Municipal Act, 2001, states that By-laws passed under Section 436 (1) may provide that for the purposes of an inspection the municipality may require information from any person concerning a matter related to the inspection,

AND WHEREAS Section 436 (2)(d), of the said Municipal Act, 2001, states that By-laws passed under Section 436 (1) may provide that for the purposes of an inspection the municipality may alone, or in conjunction with a person possessing special or expert knowledge, take photographs that are necessary for the purposes of the inspection.

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

1. DEFINITION:

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“ATTACK” – Means physical contact, other than accidental contact, by a Dog resulting in bleeding, bone breakage, bruising, a scratch, or a sprain to a Person or animal, as well as damage to clothing worn by a Person. The words “Attacked” or “Attacking” have corresponding meaning.

“BITE” – Means a wound or wounds to the skin that causes it to puncture or break, which are caused by the teeth of a Dog.

“COMPETENT” – Having the skills or knowledge to do something well enough to meet a basic standard.

“CONFINE” – Means to keep stationary by means of confinement in a cage or other quarters, or by means of being Secured.

“COUNCIL” – Means the Council of The Corporation of the Township of O'Connor.

“DANGEROUS ACT” – Any Bite, Attack, act of menacing behaviour or any combination of a Bite, Attack, or act of menacing behaviour.

“DOG” – Means a domesticated canine, male or female.

“HERDING DOG” – Means a dog that has been trained and is actively being used in a bona fide farming operation for the purposes of controlling livestock on the farm.

“KEEP” – Means to have temporary or permanent control or possession of a Dog. The words “Kept” or “Keeping” have corresponding meaning.

“LEASH” – Means a restraint held by a Person and used to restrain a Dog.

“LIVESTOCK GUARDIAN DOG” – A Dog that works and/or lives with domestic farm animals (ie. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose.

“MUZZLE” – Means a humane fastening or covering device of adequate strength placed over the mouth of a Dog to prevent it from Biting a Person or animal. The words “Muzzled” or “Muzzling” have corresponding meaning.

“OFFICER” – Means a Person appointed by the Council of The Corporation of the Township of O'Connor as a Municipal By-law Enforcement Officer, and/or a Dog Control Officer.

“OWNER” – Means any Person who possesses, harbours, or keeps a Dog(s), 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 Dog. The word “Owns” has corresponding meaning.

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“PERSON” – Includes an individual, corporation, association, or any other non-incorporated entity.

“RUNNING AT LARGE” – For the purposes of this By-law, a Dog is Running at Large when it is:

- i. Found in any place other than the property of the Owner of the Dog; and
- ii. It is not under the control of any Person.

A Dog is not considered to be Running at Large when:

- i. It is on its Owner's property,
- ii. It is demonstrated to be under the control of a Person,
- iii. It is a Livestock Guardian Dog or Herding Dog and is on their own leased or owned property.

“SECURE” – Means to tether, fasten, or tie down. “Secured” has corresponding meaning.

“TOWNSHIP” – Means The Corporation of the Township of O'Connor or the geographic area of the Township of O'Connor.

“WITHOUT PROVOCATION” – When used to reference a Dangerous Act on a Person or animal, means in the absence of any abuse, assault, teasing, tormenting, or unwanted physical contact by the Person or animal who sustained the Dangerous Act.

2. INTERPRETATION:

ACTING DIRECTLY OR INDIRECTLY – Where this By-law prohibits an action, or requires a Person to undertake an action, the prohibition or requirement applies both directly and indirectly. This means that a Person prohibited from doing something is also prohibited from causing, allowing, or permitting that action to be done. Likewise, a Person may fulfil the requirements of this By-law to undertake a particular action by causing, allowing, or permitting the action to be undertaken.

CHANGES OVER TIME – If a Person is referred to in this By-law by virtue of an office held, or an organization is referred to in this By-law by a name, and the title of the office or the name of the organization changes, the By-law text is deemed to continue to refer to the holder of the title (as changed) or the particular organization (as re-named).

CITING LEGISLATION AND BY-LAWS – When provincial legislation is cited in this By-law using a date within the title to the legislation, the reference is to the Statutes of Ontario for that particular year. Where the title does not have a date in it, the reference is to the Revised Statutes of Ontario, 1990. In both cases, the term refers to the legislation as amended from time to time and includes successor legislation. Where another by-law is cited by number in this By-law, the reference is to the by-law

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of the Corporation which has that number. The reference includes that by-law, as amended from time to time, including any successor by-laws.

CONFLICTS WITH OTHER BY-LAWS – In the event of any conflict between this By-law and any other by-law passed by the Corporation, the more restrictive provision prevails unless applicable law requires otherwise.

NOUNS – Reference to any noun is considered to reference all or any part of that item. For example, reference to a “Cage” should be interpreted as reference to “all or any portion of a Cage.”

SEVERABILITY – If any portion of this policy is considered by a court or tribunal of competent jurisdiction to be unenforceable or void, that ruling will not apply to the balance of the policy, which shall be considered to remain in full force and effect.

TEXT ORGANIZATION – The organization of this By-law into sections or paragraphs, and the use of headings, is intended to assist readers, and is not intended to imply any particular interpretation.

3. **RESPONSIBLE DOG OWNER PROVISIONS:**

3.1 **DISTURBANCES PROHIBITED:** No Owner shall allow a Dog to make persistent noise by barking, calling, howling, yelping, whining, or making other sounds. Livestock Guardian Dogs are exempt from barking restrictions if actively engaged in guarding livestock against predators as per Section 5(1) of the Farming and Food Production Protection Act, 1998 SO 1998.

3.2 **PROHIBITION AGAINST DOGS RUNNING AT LARGE:** No Person shall allow a Dog to be Running At Large.

3.3 **PROHIBITION AGAINST DOGS ENGAGING IN DANGEROUS ACTS:** Every Owner of a Dog shall exercise reasonable precautions to prevent the Dog from engaging in a Dangerous Act.

3.4 **PROHIBITION AGAINST DOGS OFF LEASH ON MUNICIPAL GROUNDS:** No Person shall allow a Dog to be off Leash on Municipal grounds within the Township, unless previously authorized by the Township Staff.

4. **ENFORCEMENT AND PENALTIES:**

4.1 **IF THE OWNER OF A DOG RUNNING AT LARGE IS UNKNOWN OR CANNOT BE FOUND:** The Township of O'Connor shall make reasonable effort to locate the Owner of any Dog found Running At Large. If the Owner of the Dog is unknown or cannot be found, the Township of O'Connor will bring the Dog to the animal services centre in the City of Thunder Bay and procedure will be followed as per the Township Policy for Dogs Running At Large.

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4.2 IF A DOG HAS ENGAGED IN A DANGEROUS ACT AGAINST A PERSON OR ANIMAL: Where an Officer becomes aware, either through his or her own investigation or as a result of information received by him or her from any source, that a Dog has Bitten, Attacked or engaged in a menacing act against a Person or animal Without Provocation, the Officer may issue an Order to Comply to the Owner and require the Owner to comply with the requirements set out in Section 4.6 of this By-law within the time stipulated in said Order to Comply, and the Dog shall thereafter be deemed to be a Dangerous Dog.

4.3 AUTHORIZATION TO ENTER PROPERTY: The Clerk-Treasurer, an Officer, or any Person acting under those persons, may at reasonable times, enter onto private property that is not a building used for human habitation for the purpose of carrying out an inspection to determine if this By-law is being complied with. The Person so authorized shall produce identification of him or her-self as authorized to carry out enforcement of this By-law. Entry into a residence is permitted only with consent of the occupant of the dwelling, after that Person has been provided with identification of the authorized Person and advised of the purpose for the entry. Occupants are not required to consent to entry to a building used for a residential dwelling.

4.4 ENFORCEMENT: This By-law may be enforced by an Officer, or by way of private information sworn in accordance with the Provincial Offences Act. Where an Officer has reason to believe that a Dog has been Running At Large or has engaged in a Dangerous Act against a Person or animal, an Officer may:

4.4.1 Impound any Dog found Running At Large.

4.4.2 Where the Dangerous Act is the first on record with the Township, serve the Owner with a written warning.

4.4.3 Where the Dangerous Act is the second or subsequent Dangerous Act on record with the Township, determine the Dog to be a Dangerous Dog and serve the Owner of the Dog with an Order to Comply under Subsection 4.6.

4.4.4 Despite Subsection 4.4.2, if it is the Officer's opinion that the Dangerous Act is severe, determine the Dog to be a Dangerous Dog and serve the Owner of the Dog with an Order to Comply with the requirements for Owners of a Dangerous Dog under Subsection 4.6.

4.5 OBSTRUCTING ENFORCEMENT: No Person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising any power authorized by Section 4.4.

4.6 DANGEROUS DOG REQUIREMENTS; ORDER TO COMPLY: Where an Owner is served with a Dangerous Dog Order to Comply pursuant to Subsection 3.4 and 4.6,

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the Owner shall, at the Owners' expense and for the life of the Dangerous Dog, ensure that:

4.6.1 While the Dangerous Dog is not in the Owner's dwelling, but is otherwise within the boundaries of the Owner's premises, ensure that the Dangerous Dog wears a Muzzle and ensure that:

- i. The Dog is Secure; and
- ii. The Dog is contained within an area enclosed by a fence of an appropriate height for the breed of Dog, or an area enclosed by other means such that the Dog cannot come into contact with any other Person or animal; and

4.6.2 While the Dangerous Dog is not within the boundaries of the Owner's premises, Keep the Dangerous Dog:

- i. Muzzled; and
- ii. Under the control a Competent Person capable of handling the Dog who is eighteen (18) years of age or older; and
- iii. On a Leash that does not exceed four (4) feet in length.

4.6.3 A warning sign is posted on the Owners' private property in the form and location required by the Officer.

4.6.4 The Dangerous Dog receives training in the form required by the Officer within 90 days of the Order to Comply being served on the Owner and providing proof of compliance to the satisfaction of the Officer within 14 days of achieving compliance.

4.6.5 Immediately notify the Township of the following:

- i. Any change in Ownership or residence of the Dangerous Dog and provide the name, current address, and telephone number of the new Owner or residence; or
- ii. If the Dangerous Dog Runs At Large or engages in a Dangerous Act; or
- iii. If the Dangerous Dog dies.

4.7 DOG ACTING IN SELF DEFENCE:

4.7.1 Prior to the determination that a Dog is a Dangerous Dog, the Officer shall have regard to whether the Dog was acting in self-defense at the time the Dangerous Act occurred.

4.7.2 Despite Subsections 4.4.2, 4.4.3 and 4.4.4, where an Officer concludes that the Dog was acting in self-defense at the time the Dangerous Act occurred, the Officer may determine that the Dog is not a Dangerous Dog and may determine that no Order to Comply shall be issued.

4.7.3 Where an Officer has concluded that a Dog was acting in self-defense and elected not to issue an Order to Comply under Subsection 4.7.2, that Dangerous

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Act will not be counted when determining if a subsequent Dangerous Act is the second or subsequent on record with the Township under Subsection 4.4.4.

- 4.8 PENALTIES: Every Person who commits an offence pursuant to this By-law shall be liable, upon conviction, to the penalties prescribed as per the Provincial Offences Act.

A request by the Owner for appeal under this section shall be made in writing, and delivered to the Clerk-Treasurer for the Township within fifteen (15) days of the Owner receiving the Order to Comply. This Section shall not apply if the Order to Comply has been rescinded.

5. GENERAL PROVISIONS:

5.1 OTHER PROVINCIAL LAWS: Notwithstanding anything in this By-law, Dog Owners are subject to the Dog Owners' Liability Act, the Protection of Livestock and Poultry Act, the Farming and Food Production Protection Act, the Provincial Offences Act, the Municipal Act, and any other applicable legislation.

6. By-law Number 2023-31, passed August 14, 2023, being a By-law for Regulating the Running At Large and Controlling of Dogs within The Corporation of The Township of O'Connor is hereby deleted and replaced.

7. 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 26th day of February 2024.

The Corporation of the
Township of O'Connor

J. Vezina
Mayor

Lorna Buob
Clerk-Treasurer

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The Corporation of The Township of O'Connor
Part 1 Provincial Offences Act

By-law Number 2024-05: Regulating the Running At Large and Controlling of Dogs within The Corporation of The Township of O'Connor

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Allow Dog to Run At Large	Section 3.2	\$ 150.00
2	Allow Dog to engage in Dangerous Act	Section 3.3	\$ 150.00
3	Allow Dog off-leash on Municipal Grounds	Section 3.4	\$ 150.00
4	Obstruct or interfere with an Officer enforcing By-law Number 2024-05	Section 4.5	\$ 150.00

Note: The penalty provision for the offences indicated above is Section 4.4 of By-law Number 2024-05, a certified copy of which has been filed.

The above-noted Short Form Wordings and Set Fines were approved by The Township of O'Connor Council on February 26, 2024.