

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

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 schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 6-2013, of the Township of Tarbutt and Tarbutt Additional, Algoma District, attached hereto is the set fine for that offence. This Order is to take effect February 18th, 2014.

Dated at the City of Greater Sudbury, this 11th day of February, 2014.

A handwritten signature in black ink, appearing to read 'M. Lambert', written over a horizontal line.

MARTIN LAMBERT
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

**THE CORPORATION OF THE TOWNSHIP OF
TARBUTT AND TARBUTT ADDITIONAL**

BY-LAW 6-2013

BEING A BY-LAW to regulate the licensing, registration and care and control of dogs and for prohibiting the running at large of dogs.

THE COUNCIL of the Corporation of the Township of Tarbutt and Tarbutt Additional pursuant to The Municipal Act, R.S.O. 1990, c. M.45 as amended, and Protection of Livestock and Poultry from Dogs Act, R.S.O. 1990, c. L.24 **ENACTS** as follows:

Section 1: INTERPRETATION

In this by-law:

- (1) “*Boarding Kennel*” means the person or body who has obtained a license under this by-law to operate a boarding kennel.
- (2) “*Kennel*” means an establishment where a kennel of purebred dogs are registered with the Canadian Kennel Club and bred under the owner’s name.
- (3) “*Livestock Guardian Dogs*” (LGDs) means a dog that works and/or lives with domestic farm animals to protect them while repelling predators and is used exclusively for that purpose on bona fide farming operations and shall include dogs used for herding purposes.
- (4) “*Mature Dog*” means a female dog over six months old or a male dog over eight months old.
- (5) “*Owner*” of a dog includes a person who possesses or harbours a dog and/or is temporarily responsible for the care and well being of the dog. Where the owner is a minor, the person responsible for the custody of the minor shall be considered to be the owner.
- (6) “*Pound*” means the shelter operated by the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals, Human Society on behalf of and under agreement with the Corporation of The Township of Tarbutt and Tarbutt Additional; and/or a local Boarding Kennel available to the Township as a temporary holding facility.

Section 2: POUND

For the purpose of this by-law, the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals, animal shelter shall be deemed to be the Pound of the Corporation of the Township of Tarbutt and Tarbutt Additional. However, from time to time as necessary a temporary Pound may be established within the Township boundaries to house a dog until such time as it can be moved to the Sault Ste. Marie and District Society for the Prevention of Cruelty to Animals, Animal Shelter.

Section 3: LICENSE REQUIREMENT

- (1) On or before the thirty-first day of March of each year an owner or Kennel as defined herein, shall:
 - (a) register every dog owned with the Township; and
 - (b) obtain a licence and tag for every dog owned from the Township.

- (c) obtain a Kennel License
- (2) New dog owners shall comply with section 3, subsection (1) (a) and (b) within seven (7) days of acquiring the dog.

Section 4: LICENSE FEE AND REGULATION

The Township shall have the right to refuse to issue a license and tag to any person for any dog or Kennel or Boarding Kennel until they are satisfied all requirements have been met under this by-law and any requested documents have been presented for examination. Every owner applying for a license shall provide the following documentation/information to the municipality:

- (1) A certificate signed by a Doctor of Veterinary Medicine is provided to the Township that indicates that such dog has been inoculated against rabies within 24 months of the 1st day of January of the year in which the application is made, and

- (2) The following fees:

for each micro chipped and neutered male dog	\$ 3.00
for each micro chipped and spayed female dog	3.00
for each neutered male dog	5.00
for each spayed female dog	5.00
for each male dog (not neutered)	25.00
for each female dog (not spayed)	25.00
for each kennel	30.00
for a replacement license	5.00
for livestock guardian dogs	0.00
for livestock working/herding dogs	0.00

- (3) If an application is made for a license for a dog which, at the time of the application, is less than 3 months old, subsection (1) of section 4 shall not prevent the issue of a license for such dog if the owner undertakes to file with the Township, in a form satisfactory to Township, a certificate signed by a Doctor of Veterinary Medicine providing that the dog shall be inoculated for rabies when the dog attains the age of 3 months old.
- (4) No female dog shall be licensed as a spayed female dog and no male dog shall be licensed as a neutered male dog unless the Township is satisfied that such female dog has been spayed or that such dog has been neutered, and/or upon request a certificate signed by a Doctor of Veterinary Medicine is provided to the Township
- (5) With respect to a dog that is less than 8 months old, subsection 4 is satisfactorily complied with if the owner of such dog files with the Township a certificate signed by a Doctor of Veterinary Medicine that an appointment has been made with him to spay or neuter the said dog at some time prior to the day on which such dog will be 8 months old.
- (6) If a person becomes an owner of a dog after the first day of July in any year, the fee payable for each license applied for in that year shall be one-half of the yearly license fee required by this by-law.
- (7) A blind owner of a guide dog shall be issued a dog license free of charge upon production of a card from the Canadian National Institute for the Blind issued to such owner and provided that all other provisions of this by-law are satisfied.
- (8) A hearing impaired owner of a hearing ear dog shall be issued a dog license free of charge upon production of a card from the Hearing Ear Dogs of Canada issued to such owner and provided that all other provisions of this by-law are satisfied.

Section 5: PROHIBITIONS

- (1) Every owner shall procure a tag for each dog owned and shall keep the tag affixed on the dog for which it was procured at all times during the year and until such time as he procures a tag for each dog for the following year.
- (2) No owner shall use a tag upon a dog other than that for which the tag was issued.
- (3) Every owner shall cause each dog owned to be inoculated for rabies before each dog is 3 months old.
- (4) No person shall remove a license tag from a licensed dog.
- (5) No tag shall be required to be worn on Livestock Guardian Dogs or Herding Dogs.

Section 6: TAGS/LICENSE

A tag shall bear a number. A license shall record the number of the tag, state the name of the owner, the amount paid, the name of the person who paid the fee, the year for which the receipt is issued and a description of the dog for which the license is issued, which particulars shall be entered by the Township in the records kept by the Township for such purpose.

Section 7: RUNNING AT LARGE

The owner or person responsible for the care and well being of a dog shall at all times when on public property or property owned by another individual, take whatever actions are necessary to have care and control of their dog(s) at all times and prevent unwelcomed approaches or interference with individuals using their own private space, or public spaces and prevent their dog(s) from causing interference with the safety of pedestrians, joggers, other animals, vehicles, cyclists, etc.

- (1) No owner or person shall cause or permit a dog owned by that person, or in that persons care to run at large in the Township of Tarbutt and Tarbutt Additional.
- (2) For the purpose of this section, a dog shall be deemed to be running at large:
 - (a) when found in any place other than the premises of the owner of the dog, not under care and control, or on a leash six feet or less in length held by the owner; or
 - (b) when found on any private property without the consent of the person apparently in possession or having ownership of the property; or
 - (c) when unrestrained on public property and/or not under the care and control of a responsible person, the dog makes unwelcomed approaches or interference with individuals using the public space and interferes with the safety of pedestrians, joggers, vehicles, cyclists, etc, or
 - (d) when, although chained, tied or fastened to a particular place on private property, if the chain or other means of fastening is of sufficient length so that the dog is found on a highway, other public place, or other private property not owned by the owner of a dog.
- (3) No person shall keep a dog within the Township tethered on a chain, rope or similar restraining device, of less than ten feet in length.
- (4) Any person may kill a dog:
 - a. that is found killing or injuring livestock or poultry.

- b. that is found straying at any time and not under proper control upon premises where livestock or poultry are habitually kept. (*Protection of Livestock and Poultry from Dogs Act, Section 2*)
- (5) The owner of a dog who has knowledge that their dog has killed or injured livestock or poultry shall destroy the dog or cause the dog to be destroyed within forty-eight hours after acquiring such knowledge. (*Protection of Livestock and Poultry from Dogs Act, Section 8.1*)
- (6) Failure to destroy, compensation for damage to Livestock or Poultry, etc... see *Protection of Livestock and Poultry from Dogs Act as amended.*

Section 8: IMPOUNDING AND DESTRUCTION

- (1) A dog which is found running at large contrary to the provisions of this by-law may be seized and impounded in the 'pound'.
- (2) No owner shall cause or permit a dog(s) under its control to make excessive or continuous noise. If the owner of such dog(s) cannot prevent it from making excessive or continuous noise then such dog(s) must be taken inside a fully enclosed building so as not to unduly disturb nearby residents. Where such owners fail to comply with this subsection then the dog control person is entitled to enter upon the premises and remove the offending dog(s) for confinement in the pound.
- (3) A dog so impounded shall be held for a period of four days and if not claimed and released to the owner thereof within such period, such dog may then be euthanized or sold by the Township as he or she may deem appropriate.
- (4) Where three charges are laid under this section against the owner of a dog, the Dog Control person for the Township shall be entitled to retrieve the dog from the owner and keep the dog in the animal pound for a period of 10 days or until the Dog Control person is satisfied that the owner of the dog has taken proper and effective steps to restrain the dog, whichever is the lesser.
- (5) A dog so impounded shall not be released until the owner thereof has paid to the Township the sum of twenty dollars (\$20.00) for each twenty-four hours or part thereof during which the dog has been impounded plus any administrative fees incurred.
- (6) Where a dog is adopted under this by-law the proceeds of the adoption shall be paid to the Township.
- (7) Where a dog control officer is unable to seize any dog(s) running at large contrary to this by-law and the owner of such a dog is known to the dog control officer, an offence notice or summons may be served upon the owner and a fine imposed pursuant to this by-law is recoverable under the Provincial Offences Act, R.S.O. 1980.

Section 9: INJURED DOGS

- (1) Where in the opinion of the Township by-law enforcement officer or dog control person a dog under this by-law is injured or should be euthanized without delay for humane reasons or for safety to persons, such person may euthanize the dog, or have it euthanized as soon after the seizure as he or she thinks fit without permitting any person to reclaim the dog or without offering it by public auction or otherwise for sale, and no damages or compensation shall be recovered by the owner.
- (2) Where a dog seized or impounded by the Township under section 8 subsection (1) is injured or ill and is treated by a veterinary surgeon, the Township shall, in addition to any amount charged under section 8 subsection (5), be entitled to charge

the person claiming the dog the cost to the Township for veterinary treatment.

Section 10: ATTACKING DOGS

- (1)
 - (a) Where a municipal by-law enforcement officer, or dog control person finds a dog running at large contrary to the provisions of this by-law and he or she believes that before the dog can be seized it may attack a human being, he or she may kill the dog, and no damages or compensation shall be recovered by the owner.
 - (b) Where a person finds a dog running at large contrary to the provisions of this by-law and the dog is in the act of attacking or threatening to attack a human being that person may kill the dog, and no damages or compensation shall be recovered by the owner.
 - (c) No damages or compensation shall be recovered for the killing of a dog under this section.

Section 11: CONFINEMENT OF FEMALE DOGS IN HEAT

The owner of a female dog in heat shall confine such dog in a building or enclosed pen or kennel carrier until such heat has ended.

Section 12: BOARDING KENNEL LICENSEES

All Boarding Kennels shall abide by the provisions set out in this by-law and upon request supply and/or permit:

- (1) confirmation from the Building Division in writing that the Boarding Kennel complies with the Township zoning by-law; and
- (2) an inspection of the premises upon request and/or at least every twelve months. Such inspection must approve the premises as to the conditions of operation and quality of care for the dogs; and

Section 13: POTENTIALLY DANGEROUS & DANGEROUS DOGS

(1) In this section,

- (a) "*potentially dangerous dog*" means":
 - (i) a dog that, in the absence of any mitigating factor, chases or approaches any person or domestic animal, anywhere other than on 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; or
 - (ii) a dog that has been impounded by the Township or for whom the owner has been convicted on a total of three occasions within a 24 month period for such a dog being at large in the Township.
- (b) "*dangerous dog*" means":
 - (i) a dog that, in the absence of any mitigating factor, has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
 - (ii) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal or pet; or

- (iii) a dog previously designated as a potentially dangerous dog that is kept or permitted to be kept by its owner in violation of the requirements for such dog.
- (c) “*mitigating factor*” means a circumstance which excuses aggressive behaviour of a dog and, without limiting the generality of the foregoing, may include circumstances where:
 - (i) the dog was, at the time of the aggressive behaviour, acting in defence to an attack from a person or domestic animal;
 - (ii) the dog was, at the time of the aggressive behaviour, acting in defence of its young or to a person or domestic animal trespassing on the property of its owner; or
 - (iii) the dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.
- (d) “*muzzle*” means a humane fastening or covering device of adequate strength placed over a dog’s mouth to prevent it from biting.

(2) Potentially Dangerous Dog - Notice & Owner Requirements

Where the Township designates a dog as a potentially dangerous dog, the Township shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with any or all of the following requirements, and the owner shall comply:

- (a) to keep such dog, when it is on the lands and premises of the owner, confined
 - (i) within the owner’s dwelling; or
 - (ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;
- (b) to securely attach a muzzle to such dog at all times when it is not on the property of the owner or on the property of another person with such person’s consent;
- (c) to permit the Township to insert a microchip implantation in such dog, at the owner’s expense, for the purpose of identifying such dog as a potentially dangerous dog.

(3) Dangerous Dogs - Notice & Owner Requirements

Where the Township designates a dog as a dangerous dog, the Township shall serve notice upon the owner of such dog requiring the owner, upon receipt of such notice, to comply with the following requirements, and the owner shall comply:

- (a) to keep such dog confined
 - (i) within the owner’s dwelling; or
 - (ii) in an enclosed pen of sufficient dimension and construction to provide humane shelter for the dog while preventing it from escaping therefrom and preventing the entry therein of unsupervised children;
- (b) to securely attach a muzzle to such dog at all times when it is not confined in accordance with Section 13, subsection 3 (a).

- (c) to permit the Township to insert a microchip implantation in such dog, at the owner's expense, for the purpose of identifying such dog as a dangerous dog.
- (d) to permit the Township to deliver the dog for spay or neuter, if unaltered, at the owner's expense.

(4) Notice Requirements

The notice referred to in Section 13, subsection 2 and 3 shall be served by hand delivery or registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. Such notices shall include:

- (a) a statement that the Township has reason to believe that the dog is a potentially dangerous or dangerous dog, as the case may be;
- (b) the requirements that the owner must comply with in accordance with this Section and when such requirements take effect; and
- (c) a statement that the owner may request, within three working days of receipt of the Township's notice, and is entitled to, a hearing by a committee of (3) three persons designated by the Council of the Corporation of the Township of Tarbutt and Tarbutt Additional which may affirm or rescind the Township's designation of the dog as potentially dangerous or dangerous, as the case may be, and which committee may substitute its own designation or its own requirements of the owner of a potentially dangerous dog pursuant to Section 13 subsection 2 (a) to (c).

(5) Notice Received - Hearing Requested

Where the owner of a dog receives a notice from the Township designating such dog as a potentially dangerous dog or as a dangerous dog, he may request an appeal hearing. Such requests must be made in writing to the Clerk of The Corporation of the Township of Tarbutt and Tarbutt Additional within three working days of receipt of such notice. Hearing requests shall be served by hand delivery or prepaid registered mail. In the event of service by registered mail, it shall be deemed received on the fifth working day after the date of mailing. A committee of Council (3 persons) shall hold a hearing within fifteen working days of the Clerk's receipt of the request for a hearing and such committee may:

- (a) affirm or rescind the Township's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be,
- (b) substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be, and/or
- (c) substitute its own requirements of the owner of a potentially dangerous dog pursuant to Section 13 subsection 2 (a) to (c).
- (d) call any persons who may be a witness or potential witness and/or they deem can contribute to the making of a decision.

(6) Complaint Inquiry by Township

The Township may either on its own initiative or as result of a complaint received from the public conduct an inquiry into whether a dog should be designated a potentially dangerous dog or a dangerous dog, as the case may be.

(7) Compliance Deadline of Owner

The requirements of Section 13 subsections 2 (c) and 3 (c) and (d) which may be imposed on a dog owner by the Township pursuant to such sections shall not be required until either the time for appeal under Section 13 subsection 5 has elapsed without the dog owner requesting an appeal pursuant to that Section or the Council committee (3 persons) has ordered such requirement, whichever occurs earlier.

(8) Change of Ownership

An owner of a dog which has been designated a potentially dangerous dog or a dangerous dog pursuant to this section shall advise the Township within 48 hours if he/she transfers ownership of such dog to another person or changes the address at which such dog is kept and furnish the Township with particulars of same. If the new ownership or address which such dog is kept changes to a different Township/Municipality/City, the Clerk of the Corporation of Tarbutt and Tarbutt Additional will require proof the new Township/Municipality/City has been made aware of the designation placed on this dog as 'dangerous' or 'potentially dangerous'.

(9) Dog Owners' Liability Act

Where it is alleged that a dog has bitten or attacked a person or domestic animal such dog may be impounded on the order of Chief of Police and held by the Pound until the proceedings provided in the Dog Owners' Liability Act, R.S.O., 1990 c. D.16 (as amended) have been followed provided that no dog shall be so impounded for a period in excess of twenty-one days unless otherwise ordered by an Ontario Court (Criminal Division) or Provincial Offences Court.

Section 14: PENALTY

Any person who contravenes any of the provisions of this by-law is guilty of an offence and is liable to a penalty in accordance with the provisions of the Provincial Offences Act, as amended. Schedule 'A' attached and forming a part of this by-law.

Section 15: BY-LAWS REPEALED

By-law 09-94 as amended, of the Corporation of the Township of Tarbutt and Tarbutt Additional is repealed.

Section 16: EFFECTIVE DATE

READ A FIRST TIME THIS 17TH DAY OF April 2013

READ A SECOND TIME THIS 18TH DAY OF December 2013.

THIS BY-LAW COMES INTO FORCE ON THE DATE OF ITS FINAL PASSING.

PASSED IN OPEN COUNCIL THIS 18TH DAY OF December, 2013.

SEAL



Mayor- Ken Richie



Clerk- Glenn Martin

**THE CORPORATION OF THE TOWNSHIP OF
TARBUTT AND TARBUTT ADDITIONAL**

BY-LAW 6-2013

SCHEDULE 'A'
Fees and Penalties

TAG FEES:

Kennel fee	30.00
Each Male not neutered	25.00
Each Female not spayed	25.00
Each Male neutered.....	5.00
Each Female spayed.....	5.00
Each Male neutered and micro chipped	3.00
Each Female spayed and micro chipped	3.00
Ownership acquired after 1 st of July, tags	50% of applicable cost
Replacement of lost tag.....	5.00
Livestock Guardian Dogs	0.00
Herding Dogs	0.00

POUND FEES:

Municipal Pound fee	20.00/day or part thereof
Second impoundment of same dog	30.00/day or part thereof
Third impoundment of same dog	40.00/day or part thereof
Boarding Kennel and Sault Ste Marie Pound fees as invoiced	
Veterinarian fees as invoiced	
Administrative fees	25.00/hour or part thereof

CALL OUTS:

First incident dog control attends on site	0.00
Second incident dog control attends on site	25.00
Third or more incident dog control attends on site	40.00

No call out fees charged when fines are issued:

FINES:

Failure by owner to obtain a dog license on or before the 31 st of March of the current year or within 7 days of acquiring ownership	25.00
Failure of owner to provide requested documentation for issuance of a tag...	50.00
Keeping a dog on a tether of less than 10 feet in length.....	75.00
Failure of owner to obtain a Kennel license	50.00
Failure of a Boarding Kennel to meet conditions set out in Section 12	50.00
Owner permitting dog to run at large	150.00

Failure of owner to maintain care and control of dog while in public or while uninvited on private property	100.00
Failure of owner to abide by conditions for owing a dangerous dog	200.00
Failure of owner to abide by conditions for owning a potentially dangerous dog	300.00
Failure of owner to abide by conditions set out for owing a dangerous dog.....	500.00
Failure of owner to notify within 48 hours of change of residency of dangerous dog.....	100.00
Failure of owner to notify within 48 hours of a change of ownership of a dangerous dog.....	100.00
Failure of owner to confine a female dog while in heat	75.00

LOSS OF POULTRY OF LIVESTOCK:

Compensation for loss of poultry or livestock as set out in the Protection of Livestock and Poultry from Dogs Act

SET FINE SCHEDULE

THE CORPORATION OF THE TOWNSHIP OF
TARBUTT AND TARBUTT ADDITIONAL

BY-LAW 6-2013

PART 1 – PROVINCIAL OFFENCES ACT

PAGE 1

NAME OF BY-LAW: Regulate the licensing, registration and care and control of dogs and for prohibiting the running at large of dogs.

ITEM COLUMN I Short Form Wording	COLUMN II Offence Creating Provision Or Defining Offence	COLUMN III Set Fine
1. Failure to register a dog	Sec. 3 (1) (a)	25.00
2. Failure to obtain a license and tag	Sec. 3 (1) (b)	25.00
3. Failure of owner to provide requested documentation for issuance of a tag	Sec. 4 (1)	50.00
4. Failure of owner to provide requested documentation for issuance of a tag	Sec. 4 (3)	50.00
5. Failure of owner to provide requested documentation for issuance of a tag	Sec. 4 (4)	50.00
6. Failure of owner to provide requested documentation for issuance of a tag	Sec. 4 (5)	50.00
7. Failure of owner to provide requested documentation for issuance of a tag	Sec. 4 (7)	50.00
8. Failure of owner to provide requested documentation for issuance of a tag	Sec. 4 (8)	50.00
9. Keeping a dog on a tether of less than 10 feet in length	Sec. 7 (3)	75.00
10. Failure of owner to obtain a Kennel license	Sec 3 (c)	50.00
11. Failure of a Boarding Kennel to permit an inspection	Sec 12 (2)	75.00

SET FINE SCHEDULE

THE CORPORATION OF THE TOWNSHIP OF
TARBUTT AND TARBUTT ADDITIONAL

BY-LAW 6-2013

PART 1 – PROVINCIAL OFFENCES ACT

PAGE 2

NAME OF BY-LAW: Regulate the licensing, registration and care and control of dogs and for prohibiting the running at large of dogs.

ITEM COLUMN I Short Form Wording	COLUMN II Offence Creating Provision Or Defining Offence	COLUMN III Set Fine
12. Owner permitting a dog to run at large	Sec 7 (1)	100.00
13. Failure of owner to maintain care and control of dog in public or while uninvited on private property	Sec 7	100.00
14. Failure of owner to confine a dangerous dog while on owners property	Sec 13 (3) (a)	200.00
15. Failure of owner to abide by conditions for owning a potentially dangerous dog	Sec 13 (2)	300.00
16. Failure of owner to notify Municipality within 48 hours of a change of residency of a dangerous dog	Sec 13 (8)	100.00
17. Failure of owner to notify Municipality within 48 hours of a change of ownership of a dangerous dog	Sec 13 (8)	100.00
18. Failure of owner to confine a female dog while in heat	Sec 11	75.00

Note: The general penalty provision for the offences listed above is section 14 of By-Law 6-2013, a certified copy of which has been filed.