

THE CORPORATION OF THE CITY OF ELLIOT LAKE

B Y-LAW No. 01-60

CONSOLIDATED VERSION

(02-69, 03-12, 03-64, 10-41 AND 12-15)

Being a by-law to prohibit and regulate animals and dogs running at large, to regulate breeding and boarding establishments, to license dogs, to provide for an animal identification system, to provide for pounds, and to repeal By-law No. 92-11 and By-law No. 85-50.

WHEREAS by-laws may be passed under Section 11.(3)9. And Section 103. of the *Municipal Act*, 2001 (S.O. 2001.c.25), respecting the various prohibitions and regulation of animals and dogs;

AND WHEREAS the City of Elliot Lake has enacted By-law 01-60, as amended, a by-law to license and regulate dogs and prohibit dogs and other animals running at large, to regulate breeding and boarding establishments, to control animal waste and to provide for impounding;

AND WHEREAS the City of Elliot Lake is desirous of enacting a by-law to establish an animal identification system;

AND WHEREAS it is administratively expedient to include all aspects of the regulation and licensing of animals including dogs within one by-law.

NOW THEREFORE the Council of the Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

1. In this by-law;
 - (a) “animal” means a member of the animal kingdom of living beings including, but not limited to mammals, birds, and reptiles.

- (b) “animal shelter” means the building, shelter, enclosure or other premises or any part thereof designated by the Council as a place for the safe-keeping and impounding of animals.
- (bb) “cat” means any cat, male or female, six months of age or older.
- (c) “clerk” means the City Clerk of The Corporation of the City of Elliot Lake or his or her designate.
- (e) “Corporation” means The Corporation of the City of Elliot Lake.
- (f) “dog” means any dog, male or female, six months of age or older.
- (g) “enforcement officer” means a municipal law enforcement officer of the Corporation of the City of Elliot Lake, a constable or other peace officer and includes any other person authorized by council to enforce this by-law.
- (h) “owner” includes any person who possesses or harbours an animal and where that person is a minor, the person responsible for the custody of the minor and, “owns” and “owned” have a corresponding meaning.
- (i) “treasurer” means the Treasurer of The Corporation of the City of Elliot Lake.
- (j) “municipal beaches” means the shoreline of Elliot Lake in Westview Park extending between:
 - (1) the Westview Park Pavilion and the westly limit of the Sailing Centre, including the area known as Spruce Beach.
 - (2) the easterly sand limits of Spine Beach and westerly limits of the Westview Park Area.”

2. DOG LICENCING

- (a) No person shall own a dog within the City of Elliot Lake unless he or she has a licence for the dog issued under this by-law.
- (b) For the purposes of this by-law, an enforcement officer may enter upon the land where a dog is kept and, may enter any premises on the land, with the consent of the owner, to request proof that a dog is licensed.
- (c) An application for a licence shall be made on the form provided by the corporation which shall require the name and address of the owner and a description of the dog to be licensed.
- (d) Every applicant for a licence shall complete the application form and pay to the treasurer the fee set out in Schedule “A”.

- (e) Where the owner is handicapped and, the dog is used as a working dog the fee payable under Schedule “A” shall be waived.
- (f) A licence issued to an owner under this by-law may be transferred to a new owner if the new owner gives the clerk the information required on the application form under subsection 2(c) and the transfer fee prescribed by Schedule “A” is paid to the treasurer.
- (g) *deleted* (By-law 12-15).
- (h) No person shall obtain a licence for a female dog representing it to be a male dog.
- (i) No person shall own a dog three months or older within the City of Elliot Lake unless the dog is immunized against rabies.
- (j) All dog licences issued under this by-law expire on the 31st day of December of the year of issuance.
- (k) Every person shall renew the licence annually on or before the 15th day of January.
- (l) When a licence is issued the owner shall be given a dog tag which shall bear a serial number and the year in which it was issued and, the clerk shall keep a record showing the name and address of the owner and the serial number of the tag.
- (m) The owner shall keep the dog tag securely affixed on the dog at all times until the tag is renewed or replaced except when the dog is being lawfully used for hunting deer in the bush.
- (n) No owner of a pure bred dog shall be required to affix a dog tag on the pure bred dog provided that:
 - i) the pure bred dog shall be identifiable by a tattoo or nose print, and;
 - ii) the owner or person in control of the pure bred dog off the premises of the owner has in his or her possession a dog tag, and;
 - iii) the dog tag is produced upon request of an enforcement officer.
- (o) The licensing requirements of this by-law do not apply to a dog belonging to a non-resident owner who has not resided within the City for more than 30 days in any one year.

- (p) No person shall use a tag upon a dog other than the dog for whom it was issued.
- (q) No person shall harbor more than three (3) dogs at a residence. (By-law 12-15)
- (r) No person shall harbor more than three (3) cats at a residence. (By-law 12-15)
- (s) Notwithstanding items (q) and (r), no person shall harbor more than five (5) dogs and cats or any combination of them. (By-law 12-15)

3. ANIMAL IDENTIFICATION

- (a) No person shall own a cat within the City of Elliot Lake unless he or she has an identification tag for the cat issued under this by-law.
- (b) An application for a cat identification tag shall be made on the forms provided by the corporation which shall require the name and address of the owner and the description of the cat.
- (c) Every applicant for a cat identification tag shall complete the application form and pay to the treasurer the fee set out in Schedule "A".
- (d) A cat identification tag issued to an owner under this by-law may be transferred to a new owner if the new owner gives the clerk the information required on the application form under subsection 3(b) and the transfer fee prescribed by Schedule "A" is paid to the treasurer.
- (e) All cat identification tags issued under this by-law expire on the 31st day of December of the year of issuance.
- (f) Every cat identification tag shall be renewed yearly on or before the 15th day of January.
- (g) The cat identification tag shall bear a serial number and the year it was issued and the clerk shall keep a record showing the name and address of the owner and the serial number of the cat identification tag.
- (h) The owner shall keep the cat identification tag securely affixed on the cat at all times until the tag is renewed or replaced.
- (i) No owner of a pure bred cat shall be required to affix a cat identification tag on the pure bred cat provided that:
 - i) the pure bred cat shall be identifiable by a tattoo or nose print, and;

- ii) the owner or person in control of the pure bred cat off the premises of the owner has in his or her possession a cat tag, and;
 - iii) the cat tag is produced upon request of an enforcement officer.
- (j) The requirements of this section do not apply to a cat belonging to a non-resident owner who has not resided in the City for more than 30 days in any one year.
- (k) No person shall use a cat identification tag upon a cat other than the cat for whom it was issued.

4. DOG RUNNING AT LARGE

- (a) No owner of a dog shall permit his or her dog to run at large within the City of Elliot Lake. No animals shall be permitted in the sand or water areas at the municipal beaches.
- (b) For the purpose of this section:
- (i) 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 control of any person.
 - (ii) except for section 4.(b)(iii) below, a dog shall be deemed not to be under the control of any person when the dog is not on a leash of a maximum length of two (2) metres held by a person of sufficient capacity to restrain, or when a dog is not on a leash, which is securely affixed to some permanent structure from which the dog cannot escape.
 - (iii) in areas of the city zoned Rural 'A' shown on the Zoning By-Law schedules, on the premises of the Elliot Lake and Area Kennel Club, and within the limits of the municipally approved Dog Park, a dog shall be deemed not to be under the control of any person when the dog is not under visual or audible command. It is the sole responsibility of any owner, exercising this method of control, to be familiar with the boundaries of the Rural 'A' Zone", the stated premises, or the Dog Park as the case may be." (03-12)
- (c) If an enforcement officer is unable to seize a dog that is running at large, he may attempt to apprehend the dog with the use of a tranquillizer weapon.

- (d) Where an enforcement officer finds a dog running at large contrary to the provisions of this by-law and he believes that before he can seize the dog it may attack a human being, he may destroy the dog.
- (e) No damages or compensation shall be recoverable for the injury or death of a dog or other animal for action taken under this section.
- (f) With reference to the leash provisions in section 4(b)(ii) above, upon the request of the owner of the dog, council or its designate shall hold a hearing to determine whether or not to exempt the owner in whole or in part from these requirements. (03-12)

5. ANIMALS AT LARGE OR TRESPASSING

- (1) No owner of an animal other than a dog shall permit his or her animal to;
 - (a) run at large or trespass within any part of the City of Elliot Lake; or
 - (b) enter the sand or water areas at the municipal beaches.
- (2) For the purposes of this section, an animal referred to in Subsection (1) shall be deemed to be running at large when found in any place other than the premises of the owner of the animal and not under the control of any person.

6. IMPOUNDMENT OF ANIMALS

- (a) Dogs or other animals found running at large or trespassing contrary to the provisions of this by-law may be seized by an enforcement officer and impounded in the animal shelter established by the corporation for that purpose.
- (b) Where a dog or other animal has been impounded the enforcement officer shall make inquiries to locate the owner and notify him or her of the animal's whereabouts.
- (c) If, in the opinion of the enforcement officer, an impounded dog or other animal which is injured or ill must be destroyed without delay for humane reasons, the dog or other animal may be destroyed and no damages or compensation are recoverable by the owner.
- (d) The owner of a dog or other animal impounded under subsection (a) shall be liable for the animal shelter fees set out in Schedule "B" whether or not the dog or other animal is redeemed.

- (e) Any dog or other animal seized and impounded under subsection (a) shall be confined in the animal shelter for a period of not less than three days, excluding the day on which it was impounded and excluding Saturdays, Sundays and Statutory Holidays, before sale or destruction.
- (f) The owner or other person entitled to redeem a dog or other animal impounded under this by-law shall not be entitled to its release unless he or she;
 - i) pays to the treasurer the animal shelter fees set out in Schedule “B” attached hereto and forming part of this by-law; and
 - ii) holds or obtains, a valid licence for the dog; and
 - iii) completes a Pound Release Form to the satisfaction of an enforcement officer.
- (g) Any dog or other animal not redeemed within the period set out in subsection (d) may be destroyed, (provided all requests from registered research facilities in Ontario have been satisfied) or placed with a new owner upon payment of the animal shelter fees and compliance with the licensing provisions of this by-law, and no damages or compensation shall be recoverable by the owner.
- (h) No female dog or cat shall be placed with a new owner unless the person acquiring the same agrees to have the animal spayed.
- (i) The owner of a female dog in heat shall confine such dog in a building or enclosure until such heat has ended.

7. BREEDING & BOARDING ESTABLISHMENTS

The owner and operator of breeding and boarding establishments shall comply with the following regulations:

- (a) locate the establishment on land zoned for the purposes of the boarding and breeding of dogs or cats.
- (b) The floors of each room in which dogs or cats are kept shall be,
 - i) constructed of an impermeable material; and

- ii) flushed with water and deodorized with a suitable disinfectant daily or more often if necessary and that the animals should be removed when this is being done; and
 - iii) if such room is physically attached to a building used for human habitation, graded to an adequate drain which shall be connected to a municipal sewerage system or sewer disposal system.
- (c) Each room that is used for the housing of dogs or cats shall be equipped with a lighting system that is so designed, constructed and maintained that:
 - i) it distributes light as evenly and with as little glare as possible;
 - ii) it provides adequate light for the proper observation of every animal in the room; and
 - iii) it is adequately lighted for a continuous period of at least eight hours in every twenty-four hour period.
- (d) Each room that is used for the housing of dogs or cats shall provide ventilation for the health, welfare and comfort of every dog or cat by either:
 - i) having an opening or openings for natural ventilation with a minimum aggregate unobstructed free flow area of one percent (1%) of the floor area of the room; or
 - ii) having a mechanical ventilation device in working order which changes the air at least two times each hour.
- (e) Each room that is used for the housing of dogs or cats shall at all times, be maintained at a minimum temperature of 9 degrees celsius for the health, welfare and comfort of every dog or cat therein.
- (f) Each cage or pen used for the housing of dogs or cats shall be so constructed and maintained that:
 - i) every dog or cat in the cage or pen may comfortably extend it legs to their full extent, stand, sit, turn around and lie down in a fully extended position;
 - ii) it is not likely to harm any dog or cat therein;
 - iii) any dog or cat therein cannot readily escape therefrom; and
 - iv) it may be readily cleaned.
- (g) Each doorway, window and outside opening shall be screened during the period of May 1st to October 1st of each year.
- (h) The yards and runways shall be:

- i) fenced; and
- ii) if within thirty (30) metres of an occupied building,
 - (a) paved with concrete, asphalt or other impermeable materials;
 - (b) graded to an adequate drain or gutter; and
 - (c) cleaned at least once daily when in use.
- (i) Each area in which dogs or cats are kept shall, at all times, be maintained in a clean and sanitary condition.
- (j) Excreta, dead animals and other waste resulting from the keeping of dogs or cats shall be removed daily from the premises.
- (k) The Medical Officer of Health for the Algoma District or his delegate 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 above mentioned dogs or cats, whenever it appears to the Medical Officer of Health that is necessary for the preservation of the public health or for the abatement of anything dangerous or injurious to the public health.

8. CONTROL OF DOG WASTE

A person having control of a dog shall remove forthwith any faeces left by the dog in the City of Elliot Lake;

- i) on a highway;
- ii) on a public park;
- iii) in any recreational area;
- iv) on any private property other than the property of the owner or the person having care, custody or control of the dog.

9. PENALTY

- (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction under the *Provincial Offences Act* is liable to a fine.
- (2) **Voluntary Payment of Penalty Out-Of-Court**
 - (a) Notwithstanding any other provisions of this by-law, when a dog or other animal has been impounded under subsection 6(a) and, the owner has been identified, the enforcement officer may serve the owner with a notice of

payment of penalty for permitting the dog or other animal to run at large contrary to subsection 4(b) or section 5 of this By-law.

(b) The notice served under subsection (a) shall provide that the owner must voluntarily make payment of the sum set out thereon and on so doing, no further charges will be laid for the offence under subsection 4(b) or section 5 as the case may be.

(c) For the purposes of subsection (a) the penalty in the notice shall be \$60.00. (02-69) (12-15)

10. REPEALING

By-law No. 92-11 and By-law No. 85-50 are hereby repealed.

PASSED this 27th day of August, 2001.

MAYOR

DEPUTY CLERK

Excerpt from
Schedule "A" to Municipal User Fees By-law

ANIMAL CONTROL

Tags

Regular Dog	\$ 80.00
Regular Dog tag BEFORE deadline	\$ 40.00
Spayed/Neutered Dog	\$ 35.00
Spayed/Neutered Dog tag BEFORE deadline	\$ 20.00
Regular Cat.....	\$ 60.00
Regular Cat BEFORE deadline	\$ 30.00
Spayed/neutered Cat	\$ 25.00
Spayed/neutered Cat BEFORE deadline.....	\$ 15.00
Transfer of License	\$ 5.00

Animal Shelter Fees

Shelter Fees per day or part thereof.....	\$ 25.00
Loose pet,	\$ 60.00

The deadline for purchase of dog tags is January 15th.

A letter or bill from a veterinarian that clearly identifies the animal and that it is spayed/neutered must be provided to get the lower rate.

Every applicant for a license who becomes the new owner of a dog or cat after January 15th of the current year, shall pay the Regular Fee (BEFORE deadline fee).

