

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2023- 45

BEING A BY-LAW TO REGULATE DOGS

WHEREAS *The Municipal Act, R.S.O., 2001* Section 103 authorizes the Council of a Municipality to pass By-laws regulating or prohibiting with respect to the being at large or trespassing of and control of animals in the Municipality.

AND WHEREAS *The Municipal Act, 2001, S.O. c. 25, Section 10(6)* authorizes the Council of a Municipality to pass By-laws respecting health, safety, and well-being of persons.

AND WHEREAS *The Municipal Act, 2001, S.O. c.25, Section 105* authorizes the Council of a Municipality to pass By-laws for the muzzling of dogs.

AND WHEREAS *The Municipal Act, 2001, S.O. c.25, Section 128* authorizes the Council of a Municipality to pass a By-law to prohibit and regulate public nuisances.

AND WHEREAS *The Municipal Act, 2001, S.O. c.25, Section 391(1)* authorizes the Council of a Municipality to impose fee and charges for services provided.

AND WHEREAS The Council of the Corporation of the Municipality of Magnetawan wishes to regulate dogs and noise from dogs.

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1.0 DEFINITIONS:

In this By-law,

1.1 "Animal Control Officer" shall mean the Municipal By-Law Enforcement Officer, and any person so designated by Council.

1.2 "At Large" shall mean a dog found on any property other than the premises of the owner and not restrained or under the physical control of any person.

1.3 "Bite" or "Bitten" shall mean a puncture of the skin with teeth.

1.4 "Dog" shall mean any member of the species *canis familiaris* be it a male or female over the age of 12 (twelve) weeks.

1.5 "Menace" shall mean a dog that would cause a person being chased or approached to reasonably believe that the dog will cause physical injury to that person or their domestic animal.

1.6 "Harbour" shall mean owning, having care, custody, or control of a dog.

1.7 "Muzzle" shall mean a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent a dog from biting or attacking a person or domestic animal.

1.8 "Municipal Law Enforcement Officer" shall mean a municipal By-Law Enforcement Officer appointed under section 15 of the *Police Services Act* by the Municipality of Magnetawan and shall include any person appointed as an Animal Control Officer by the Municipality for the purposes of this By-law.

1.9 "Owner" shall mean any person including the tenant or occupant of land or premise who possesses or harbours a dog and where the owner is a minor the person responsible for the custody of the minor and owns or owned have a corresponding meaning.

1.10 "Pound" shall mean such premises and facilities designated by the municipality for the safe keeping of impounded dogs.

1.11 "Leash" shall mean a strap, cord, chain or like that is securely attached to a dog and firmly grasped by a person and which is capable of holding and controlling a dog.

1.12 "Service Animal" shall mean an animal which is professionally trained and certified as a service animal to assist in the movements of a person with a physical, visual, or neurological impairment and shall include a Police Dog in which a dog is trained for law enforcement for the police or other person duly appointed as a peace officer.

1.13 "Municipality" shall mean the Corporation of the Municipality of Magnetawan. Town shall have the same meaning.

1.14 "Pound keeper": shall mean the entity in which the Municipality has entered into a service agreement with regarding pound services.

1.15 "Persistently" where modifying the terms of "barking or howling" means the continuous barking or howling of a dog but does not mean when a person provokes the animal or enters the property.

2.0 Licensing

2.1 No person shall within the Municipality of Magnetawan, own or harbour any dog over the age of (6) six months without first having obtained a license for the dog and registering the dog at the Municipality Office regardless of being a full-time or seasonal resident.

2.2 Every person who owns or harbours any dog shall pay a license fee for a life time tag for the life span of the dog at the coming of (6) six months of age.

2.3. The owner shall register their dog with the Municipality, and provide particulars pertaining to the dog and the owner of the dog as requested.

2.4 The cost of the dog licensing fees shall be set out in the current Fees and Charges By-law.

2.5 Upon payment of the license fee, the owner shall be furnished with a dog tag bearing a serial number and said tag shall be securely affixed on the dog at all times until renewed or replaced.

2.6 Every person who owns a dog shall notify the Clerk, or Animal Control Officer when the contact information changes from the information provided at the time of the purchase of the tag.

2.7 A new property owner within the Municipality shall be required to obtain a license for their dog within (15) fifteen days of becoming a new resident regardless if it is full-time or seasonal.

2.8 The owner shall upon request supply written confirmation that the dog has been immunized against rabies and or proof of spay or neuter and shall ensure all vaccinations are kept up to date.

2.9 All licenses and tags issued pursuant to this By-law shall be serially numbered and a record shall be kept by the Municipality showing the name and address of the owner, serial number of the dog tag and the fees paid in respect of each dog.

2.10 In the event the dog license is lost, the dog owner shall upon satisfying the license issuer that the license is lost shall be entitled to receive a replacement license upon payment as per the current Fees and Charges By-law.

2.11 No owner of a dog shall use a license issued for any dog other than the dog for which the license was issued.

2.12 Where a certificate is produced from the Canadian National Institute for the Blind stating that the dog is being used as a guide dog for a blind person, no licensing fee shall be charged.

3.0 Responsibilities of the Dog Owner

3.1 No owner or owners living at the same address shall keep more than 4 (four) dogs in any one household over the age of six months.

(i) This section does not apply to the operation of a licensed kennel

3.2 Every person who owns or harbors a dog shall, remove forthwith and dispose of all excrement left by such a dog anywhere within the Municipality.

3.3 Every person who owns or harbors a dog shall upon leaving their property, ensure the dog is properly restrained and if stipulated, muzzled.

3.4 No person shall allow a dog to run at large or otherwise create a nuisance within the Municipality. Any dog found running at large may be seized and impounded by the Animal Control Officer or their designate. An animal control officer or their designate may enter on any public or private property for the purpose of impounding or otherwise detaining any dog found running at large pursuant to the provisions of this By-Law.

3.5 If the Animal Control Officer or their designate is unable to seize any dog found to be running at large, and the owner of such a dog is known, the owner is guilty of an offence and shall be subject to a penalty in accordance with the provisions of this By-law.

3.6 No person shall permit a dog to trespass on private property at any time even when the dog is equipped and restrained with a leash.

3.7 No person shall permit a dog to persistently bark or create noise.

3.8 No person shall permit a dog to be within a park or on a trail within the Municipality unless the dog is leashed.

3.9 No person shall permit a dog to be on or enter the water at any Community Beach during the period of May 1st to October 1st inclusive area.

3.10 No person shall permit a dog to be within any covered area that is owned or maintained by the Municipality of Magnetawan including but not limited to: the Magnetawan Community Centre, the Magnetawan Lions Pavilion, the Magnetawan Heritage Centre and the Ahmic Harbour Community Centre and Magnetawan Fire Station 2.

3.11 A Service Animal shall not be restricted by the provisions in sections 3.9, and 3.10.

4.0 Seize and Impound

4.1. The Municipal Law Enforcement Officer may seize and impound any dog that is found running at large and deliver to Pound Keeper.

4.2. The Pound Keeper or Municipal Law Enforcement Officer shall, within 24 twenty-four hours from the seizure of any dog bearing a municipal license notify the owner that the dog has been impounded and conditions whereby the dog can be reclaimed.

4.3. The Pound keeper may keep any impounded dog for a redemption period of (3) three days, excluding:

- i) the day on which the dog is impounded.
- ii) statutory holiday.
- iii) days on which the pound is not open.

4.5 During the redemption period, the Pound Keeper:

- i) may inoculate the impounded dog to provide immunization against distemper or any other contagious or infectious disease.
- ii) may provide veterinary care of an injured or ill impounded dog as may be necessary to sustain its life.

4.6. During the redemption period, the Pound keeper may euthanize a dog without delay where, in the opinion of the Pound Keeper, this is warranted for humane reasons.

4.7. The Pound Keeper shall be entitled to recover from the owner of the dog the cost of inoculating or providing veterinary care during the redemption period in addition to any other applicable fees for the redemption of the dog.

4.8. During the redemption period, the owner of an impounded dog: may redeem it if the owner:

i) pays the applicable fees for redemption of the dog

ii) provides evidence satisfactory to the Pound Keeper that they own the dog

iii) provides evidence satisfactory to the Pound Keeper that the dog is licensed under this By-law.

4.9. After (3) three days of a redemption period for an unclaimed dog, the Pound Keeper may keep, sell, or dispose of, including euthanize the dog, subject to applicable provisions of the *Animals for Research Act*.

4.10. Where a Municipal Law Enforcement Officer captures or otherwise detains a dog found running at large contrary to provision of this By-law, and said dog has a current municipal dog license, the Municipal Law Enforcement Officer may return the dog to the owner without transporting said dog to the Pound. Where the dog is returned to the owner, the Municipal Law Enforcement may issue an Animal Control Service Fee Notice to the owner of the dog and the owner of the dog shall pay an Animal Control Service Fee as set out in Schedule "A" of this By-law.

4.11. Where a Municipal Law Enforcement Officer captures or otherwise detains a dog found running at large contrary to provision of this By-law and said dog is injured the Officer may euthanize said dog without delay where, in the opinion of the Officer that it is warranted for humane reasons.

4.12 The Municipality of Magnetawan reserves the right to not impound or handle injured dogs, if any vet costs are incurred, the owner will be billed and if not paid the Municipality will pursue any other collection mechanisms available to the Municipality pursuant to the Regulations or at law which may include deeming the outstanding amount to be unpaid taxes and adding this outstanding amount to the tax roll and collecting it in the same manner as Municipal Taxes.

5.0 Muzzling and Leashing of Dogs

5.1. Where a dog has bitten a person or domestic animal or has behaved in a manner that poses a menace to the safety of persons or domestic animals, the Municipal By-law Enforcement Officer, at their discretion, may Order the dog to be muzzled or leashed or both, for a period of time to be determined by the Officer. Further, the owner of said dog shall comply with the Order.

5.2. Should the owner of the dog disagree with the Order to muzzle and/or leash, he or she may appeal the decision to Council.

5.3. Upon receipt of notification of an appeal, the Council shall, as soon as practicable, conduct a hearing pursuant to the Statutory Powers Procedure and shall hear evidence presented by both the Municipal Enforcement Officer and the owner of the dog. Further, it is understood in the interim between the date of the Order to muzzle and/or leash and the date of the hearing of the appeal, the owner shall comply with the Order.

5.4. At such time as the Council makes its decision to confirm, modify or quash the Order, the decision shall be considered to be final, and binding and the owner of the dog shall comply therewith.

6.0 Kennels

6.1 No person(s) shall operate a Kennel without first obtaining a license. All Kennels must be licensed annually and inspected as required.

6.2 An application to operate a Kennel must be submitted to the Municipality with the required information and fees, to be considered complete for processing. Once evaluated, a licence may or may not be granted.

6.2 A Kennel License may be issued to areas zoned with permitted uses as pursuant to the current applicable Zoning By-law, that may be amended from time to time, for more than four (4) dogs.

6.3 An applicant for a kennel licence must satisfy that the kennel operation will not disturb neighbouring properties.

6.4 Provisions of this By-law shall not apply to prevent the use of any existing, licensed kennel that was lawfully used and legally established for such purpose on the date of passing of this By-law. so long as it continues to be used for that purpose, the use is not discontinued for any length of time and that the existing dogs cannot be replaced when they are given away or die.

6.5 Kennels will maintain standards of care as per *Provincial Animal Welfare Services Act, 2019*, as amended.

7.0 Offences and Penalties

7.1 Every person and/or owner who contravenes any of the provisions of this By-law is guilty of an offence and is subject to set fines and/or administrative monetary penalties.

7.2 Every person who violates any provision of this By-law or causes or permits a violation shall be guilty of an offence and may be subject to fees under the Administrative Monetary Penalties By-law and/or fined as per the current Fees and Charges By-law.

7.3 Every person and/or owner who is convicted of an offence under this By-law shall be subject to a fine of not more than Five Thousand Dollars (\$5,000) for each offence. Such fines shall be recoverable under the *Provincial Offences Act, R.S.O. 1990, c. P.22*, as amended.

7.4 The provisions of this By-law may be enforced pursuant to the provisions of the *Provincial Offences Act, R.S.O. 1990, c. P.33* as amended, and where any provision of this By-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty the person convicted may also be prohibited from continuing or repeating the offence in accordance with the provisions of section 442 of the *Municipal Act*.

7.5 Each subsequent contravention that results in a conviction will yield a higher fine (doubling each time) to a maximum of \$5,000 for a person and \$10,000 for every director, officer, or employee of a corporation.

7.6 Pursue any other collection mechanisms available to the Municipality pursuant to the Regulations or a law which may include deeming the outstanding amount to be unpaid taxes and adding this outstanding amount to the tax roll and collecting it in the same manner as Municipal Taxes.

7.7 Fees, fines, penalties, and/or charges are as the schedules attached and are to be incorporated into the current Fees and Charges By-law. Any changes to the schedules will be made during the annual updating of the Fees and Charges By-law and will be contained therein.

8.0 Entry and Inspection

8.1 A By-law Enforcement Officer or their designate may at any time enter onto a property to determine whether this By-law is being complied with.

8.2 Every Person shall permit a By-law Enforcement Officer to inspect any land for the purpose of determining compliance with this By-law.

9.0 Obstruction

9.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

9.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the By-Law Enforcement Officer and/or designate upon request, failure to do so shall be deemed to have obstructed or hindered the By-Law Enforcement Officer and/or designate in the execution of their duties.

10.0 Municipality Not Liable

10.1 The Municipality assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any person or property that is subject.

11.0 Validity and Severability

11.1 Should any section, subsection, clause, paragraph, or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this By-law, or of the By-law as a whole.

12.0 Enforcement

12.1 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this By-law at any time.


13.0 Repeal

13.1 That By-law 2020-45 and any previously conflicting By-laws are hereby repealed.

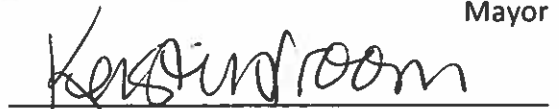
13.2 That this By-law shall come into force and effect on the date of passing.

Read a FIRST, SECOND, and THIRD time and finally PASSED this 13th day of September 2023

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



CAO/Clerk



**Municipality of
Magnetawan**

THE MUNICIPALITY OF MAGNETAWAN

**BY-LAW No. 2023-45 DOGS
Control & Licensing of Dogs**

Schedule "A"

Dog Licence Fees

Description	Annual Fee
First dog	As per the current Fees and Charges By-law
For each additional dog	As per the current Fees and Charges By-law
Replacement tag	As per the current Fees and Charges By-law
Lifetime tag	As per the current Fees and Charges By-law
Kennel license	As per the current Fees and Charges By-law
Each dog tag for kennel dogs	As per the current Fees and Charges By-law
Replacement license	As per the current Fees and Charges By-law
Dog redemption from impound	
First offence	As per the current Fees and Charges By-law
Second offence	As per the current Fees and Charges By-law
Third offence and each subsequent offence	As per the current Fees and Charges By-law
Animal Control Service Fee	As per the current Fees and Charges By-law



THE MUNICIPALITY OF MAGNETAWAN
BY-LAW No. 2023-45 DOGS
 Administrative Monetary Penalties (AMPS) Schedule

ITEM	SHORT FORM WORDING	PROVISION CREATING/DEFINING OFFENCE	SET FINE
1	Owner Fail to purchase dog license	2.1	\$300.00
2	Fail to affix dog tag	2.5	\$300.00
3	Fail to notify Clerk or Animal Control Officer of changes to owner information	2.6	\$300.00
4	Allowing more than 4 dogs to reside in a residence	3.1	\$300.00/dog
5	Fail to remove excrement	3.2	\$300.00
6	Owner permit dog to run at large	3.4	\$300.00
7	Owner permit dog to trespass on private property	3.6	\$300.00
8	Owner permit persistent dog barking	3.7	\$300.00
9	Fail to leash dog in park or trail	3.8	\$300.00
10	Permit dog on or in water at Community Beach	3.9	\$300.00
11	Owner permit dog into Municipal facility or building	3.10	\$300.00
12	Fail to obey muzzle order	5.1	\$300.00
13	Operate kennel - no license	6.1	\$300.00

NOTE: The general penalty provision for the offences listed above this section 7.1 and 7.4 of By-law 2023-45 a certified copy of which has been filed.

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 PRINCIPALE RÉGIONALE
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

October 3, 2023

Ms. Laura Brandt, Acting Deputy Clerk
P.O. Box 70
Magnetawan, ON
P0A 1P0

Dear Ms. Brandt;

***Re: Set Fines – Provincial Offences Act
Part I – Municipality of Magnetawan, Parry Sound District***

Thank you for your letter dated September 14, 2023 directed to The Ministry of the Attorney General, Crown Law Office-Criminal, regarding set fines for By-Law 2023-45.

I have had an opportunity to consider your request. For the reasons that follow, I have set appropriate amounts for the fines, which do not necessarily accord with the amounts you requested.

A set fine is a sentencing process and must consider the circumstances of the offence, the need for deterrence and must also consider proportionality (minor versus serious offences). Early guilty pleas are also an important consideration.

The set fine regime is meant to encourage out of court settlements, while also considering the above principles and must also consider similar sentences for similar offences in the region.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

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

159 CEDAR STREET
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SUDBURY, ONTARIO P3E 6A5



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FAX/TÉLÉCOPIEUR (705) 564-7620

I have forwarded the copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Parry Sound, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace
Her Worship Ruby Beck, Local Administrative Justice of the Peace

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

159 CEDAR STREET
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COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

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SUDBURY (ONTARIO) P3E 6A5

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

October 3, 2023

Ms. Melissa Adams, Crown Counsel
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M5G 2S9

Dear Ms. Adams:

RE: Set Fines - Provincial Offences Act
Part I, Municipality of Magnetawan, Parry Sound District

Please find enclosed a copy of an Order dated October 3, 2023, and a copy of a letter to Ms. Laura Brandt, Acting Deputy Clerk.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Encl.

OFFICE OF THE REGIONAL SENIOR
JUSTICE
ONTARIO COURT OF JUSTICE
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COUR DE JUSTICE DE L'ONTARIO
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TELEPHONE/TÉLÉPHONE (705) 564-7624
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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. 2023-45, of Municipality of Magnetawan, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect October 3rd, 2023.

Dated at the City of Greater Sudbury, this 3rd day of October, 2023.

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE



THE MUNICIPALITY OF MAGNETAWAN
 BY-LAW No. 2023-45 DOGS
 Part 1 Provincial Offences Act
 SCHEDULE "B"

ITEM	SHORT FORM WORDING	PROVISION CREATING/DEFINING OFFENCE	SET FINE
1	Owner Fail to purchase dog license	2.1	\$300.00
2	Fail to affix dog tag	2.5	\$300.00
3	Fail to notify Clerk or Animal Control Officer of changes to owner information	2.6	\$300.00
4	Allowing more than 4 dogs to reside in a residence	3.1	\$300.00/deg
5	Fail to remove excrement	3.2	\$300.00
6	Owner permit dog to run at large	3.4	\$300.00
7	Owner permit dog to trespass on private property	3.6	\$300.00
8	Owner permit persistent dog barking	3.7	\$300.00
9	Fail to leash dog in park or trail	3.8	\$300.00
10	Permit dog on or in water at Community Beach	3.9	\$300.00
11	Owner permit dog into Municipal facility or building	3.10	\$300.00
12	Fail to obey muzzle order	5.1	\$300.00
13	Operate kennel - no license	6.1	\$300.00

Handwritten notes in blue ink:
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NOTE: The general penalty provision for the offences listed above this section 7.1 and 7.4 of By-law 2023-45 a certified copy of which has been filed.

Handwritten signature in blue ink: K. Hirsch