

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 22-XX

Being a By-Law to regulate animal control and ensure responsible pet ownership in the City of
Elliot Lake

WHEREAS Sections 9 and 11 of the *Municipal Act*, 2001, S.O. 2001, c.25 (the “Act”) provides that a municipality may pass by-laws respecting the following matters: environmental well-being of the municipality (Section 11(2)(5); health, safety and well-being of persons (Section 11(2)(6); and animals (Section 11(3)(9);

AND WHEREAS The Corporation of the City of Elliot Lake (the “City of Elliot Lake”) follows the Animals for Research Act, R.S.O. 1990, c A 22 which regulates animal research and animal supply facility operators and operations to prevent animals from suffering unnecessary pain;

AND WHEREAS the City of Elliot Lake follows the *Dog Owners’ Liability Act*, R.S.O. 1990, c. D. 16 which states that a dog owner is liable for damages resulting from a bite or attack by the dog owner person or domestic animal;

AND WHEREAS the City of Elliot Lake follows the *Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13 which covers offences including causing or permitting distress to an animal, causing harm or attempting to cause harm to a law enforcement or service animal, promoting, and arranging or receiving a financial benefit from animal fighting events;

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 Council of the City of Elliot Lake deems it desirable to pass a By-Law providing for a system of licensing and controlling of certain animal species, regulating and prohibiting certain animal species, and prohibiting the abandonment or disposal of animals and/or a litter of animals on private or other property, including public property, within the City of Elliot Lake;

AND WHEREAS Council of the City of Elliot Lake deems that the abandonment or disposal of animals and/or a litter of animals on private and other property, including public property within the City of Elliot Lake without the express permission of the property owner represents an undue burden on property owners and the municipality and is considered to be a gross mistreatment of animals;

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

In this by-law:

“Animal” means a member of the animal kingdom of living beings including, but not limited to mammals, birds, and reptiles;

“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;

"Animal sound" means any sound emitted from an animal, which is audible at property occupied by persons other than the owner of the animal emitting the sound. Without limitation, this term shall include barking, whimpering, whining, howling, yowling and yelping, meowing, crying;

"At large" means where an animal found in a place other than the property of the owner of the animal and not under the control of the owner of the animal or their authorized representative, except where the owner of the property permits the animal to be on their property;

“Cat” or “Domestic Cat” means a feline of the species *Felis catus*;

“Choke Collar”, “Choke Chain” or “Prong Collar” means a collar that tightens, constricts or pinches an animal’s neck when tension is applied and may inflict pain or discomfort on an animal;

“Clerk” means the City Clerk of The Corporation of the City of Elliot Lake or his or her designate;

“Collar” means a strap, which is placed around an animal’s neck, to which a leash, restraining device or tag may be attached;

"Control" includes care and custody;

“Corporation” means The Corporation of the City of Elliot Lake;

"Council" means the Council of The Corporation of the City of Elliot Lake;

"Competent person" means a person having the strength and capacity to securely control a dog so as to not permit or allow unwanted contact with another person or animal;

"Confined space" means a fully or partially enclosed space;

"Distress" means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain, suffering, or abused, or subject to undue or unnecessary hardship, privation or neglect;

“Dog” or “Domestic Dog” means a canine of the species *Canis familiaris*;

“Dwelling Unit” means one or more habitable rooms designated and intended for use as the home or residence of one or more persons and has culinary and sanitary facilities;

“Enforcement officer” means a municipal law enforcement officer of the Corporation of the City of Elliot Lake, a Police Officer or other peace officer and includes any other person authorized by council to enforce this by-law;

“Harbour” means to give shelter to;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Household” is generally defined as being composed of a person or group of persons who co-reside in, or occupy, a dwelling and may consist of a family group, two or more families sharing a dwelling, a group of unrelated persons or a person living alone;

“Impound” means to seize and take custody of an animal in a pound or shelter;

“Kennel” means a structure or shelter in which an animal is kept;

“Keep”, for purposes of this By-Law, means to have temporary or permanent control or possession of an animal;

“Leash” generally means a rope, chain or other restraining material that is attached to a collar or halter worn by an animal and that is capable of restraining the animal on which it is being used;

“License”, for purposes of this By-Law means a license for a dog in the form of a dog tag, or a duly signed and completed registration form in the case of Prohibited Animal Species issued by the City of Elliot Lake;

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended and any regulations thereunder;

“Municipal beaches” means the shoreline of Elliot Lake in Westview Park extending between: the Westview Park Pavilion and the area known as Spruce Beach. The easterly sand limits of Spine Beach and westerly limits of the Westview Park Area;

“Municipal enforcement officer” means a person appointed under the authority of the *Police Services Act* for the purpose of enforcing by-laws;

“Municipal Freedom of Information and Protection of Privacy Act” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Chapter M. 56, as amended and any regulations thereunder;

“Municipality” includes all property located within the municipal boundaries of The Corporation of the City of Elliot Lake;

“Off Leash Area” means those areas designated and signed by the City as an off leash area where dogs may exercise and play without a leash in a controlled environment under the supervision of their owner;

“Operate” means to perform a function;

“Own” means to keep, harbour, possess or have custody of an animal;

“Owner” means a person who keeps, harbours, possesses or has custody of an animal, and, in the case of a minor under the age of 18 years, owner means the person responsible for the custody of the minor;

“Municipal beaches” means the shoreline of Elliot Lake in Westview Park extending between: the Westview Park Pavilion and the area known as Spruce Beach. The easterly sand limits of Spine Beach and westerly limits of the Westview Park Area.

"Service dog" means a dog that has been certified by a nationally recognized organization or association in providing assistance to a person. This includes, but not limited to, guiding, hearing or providing the necessary emotional therapy to a person with a disability or impairment [autism, seizure dog etc.];

"Vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car;

"Visually impaired" means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in their better eye after the best possible correction or has a field vision of acuity of less than 20 degrees;

1. DOG/ CAT LICENCING

- a. No person shall own a dog/ cat within the City of Elliot Lake, over six months of age unless he or she has a license and identification tag for the dog/ cat issued under this by-law.
- b. For the purposes of this by-law, a Municipal Enforcement Officer may enter upon the land where a dog/ cat is kept and, may enter any premises on the land, with the consent of the owner, to request proof that a dog/ cat is licensed.
- c. An application for a license identification tag shall be made on the form provided by the corporation (see schedule A), which shall require the name and address of the owner and a description of the dog/ cat to be licensed.
- d. Every applicant for a license shall complete the application form and pay to The City of Elliot Lake the fee set out in Schedule "A".
- e. Every person who owns a licensed animal shall advise the City of Elliot Lake of the death of the licensed animal within thirty (30) days of the animal's death; and
- f. Every person who owns a licensed animal shall advise the City of Elliot Lake of the moving of a licensed animal to a new address or transfer of the animal to a new owner within thirty (30) days of the move or transfer.
- g. Where the owner is disabled and the dog is a service dog to the owner the fee payable under Schedule "E" shall be **waived with approved documentation**.
- h. A license issued to an owner under this by-law may be transferred to a new owner if the new owner gives the municipality the information required on the application form and the transfer fee prescribed by Schedule "E" is paid to the municipality.
- i. No person shall obtain a license for a female dog/ cat representing it to be a male dog/ cat.
- j. No person shall obtain a license for a male dog/ cat representing it be female dog/ cat.
- k. No person shall own a dog/ cat three months or older within the City of Elliot Lake unless the dog/ cat is immunized against rabies.
- l. All dog/ cat licenses issued under this by-law expire on the 31st day of December of the year of issuance.
- m. Every person shall renew the license annually on or before the 15th day of January.
- n. When a license is issued, the owner shall be given a dog/ cat identification tag, which shall bear a serial number and the year in which it was issued and, the municipality shall keep a record showing the name and address of the owner and the serial number of the identification tag.
- o. The owner shall keep the dog/ cat tag securely affixed on the dog/ cat at all times except when the dog/ cat is being lawfully used for hunting in the bush.
- p. No owner of a pure bred dog/ cat shall be required to affix a dog tag on the pure bred dog/ cat provided that:
 - i. the pure bred dog/ cat 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/ cat identification tag, and;
 - iii. the dog/ cat identification tag is produced upon request of a Municipal Enforcement Officer.
- q. The licensing requirements of this by-law do not apply to a dog/ cat belonging to an owner who has not resided within the City for more than 30 days in any one year.

- r. Personal information, as defined by the *Municipal Freedom of Information and Protection of Privacy Act*, is collected for purposes of obtaining a dog/ cat license under the authority of the *Municipal Act, 2001* and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act* and may include:
- i. Owner's name, address and telephone number;
 - ii. Breed, colour and name of the dog being licensed;
 - iii. Proof of spay and neuter and rabies vaccination, if available; and
 - iv. Any other information deemed necessary by the Municipality.
- s. No person shall use a tag upon a dog/ cat other than the dog/ cat for whom it was issued.
- t. Refunds may be requested in the event that an owner pays for their animal license, and the animal passes away or is euthanized on or before thirty (30) days from the purchase date. The dog tag must be returned with proof that the dog has been euthanized or has passed away. This does not apply to licenses that were past due at the time of the renewal.
- u. No person shall harbor more than three (3) dogs at a residence.
- v. No person shall harbor more than three (3) cats at a residence.
- w. Notwithstanding items (r) and (s), no person shall harbor more than five (5) dogs and cats or any combination of them.

2. DOG/ CAT/ ANIMAL RUNNING AT LARGE

- a. No owner of a dog/ cat/ animal shall allow their dog/ cat/ animal to run at large within the City of Elliot Lake.
- b. Every dog which is found within the City of Elliot Lake off the premises on which it is usually kept, with or without a dog tag, and not being under the immediate charge and control of a responsible person by means of a Leash, may, be seized and impounded by the Municipal Enforcement Officer and delivered to the Elliot Lake Animal Shelter.
- c. For the purpose of this section:
- i. a dog/ cat/ animal 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. 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) meters 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.
- d. 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.
- e. No Owner of a dog/ cat/ animal shall allow such dog/ cat/ animal to enter onto a splash pad unless such dog is acting as a Service Dog for a person with a disability who is on the splash pad.

- f. If a Municipal Enforcement Officer is unable to seize a dog/ cat/ animal that is running at large, they may attempt to apprehend the dog/ cat/ animal with the use of a tranquillizer weapon.
- g. Where a Municipal Enforcement Officer finds a dog/ cat/ animal running at large contrary to the provisions of this by-law and he believes that before he can seize the dog/ cat/ animal it may attack a human being, he may euthanize the dog/ cat/ animal.
- h. No damages or compensation shall be recoverable for the injury or death of a dog/ cat or other animal for action taken under this section.
- i. With reference to the leash provisions in section 2.c.ii. above, upon the request of the owner of the dog, council or its designate shall hold a hearing to determine whether to exempt the owner in whole or in part from these requirements.

3. ANIMALS AT LARGE OR TRESPASSING

- a. Municipal Public Beaches;
 - i. No owner shall allow their dog/ cat/ animal near the municipal swimming area and must remain away from any entrance to a Municipally maintained trail, groomed trail or footpath in or around any of the Municipal.
 - ii. No dog/ cat/ animal shall be permitted in the designated public swimming areas at the Municipal beaches including but not limited to Spine Beach and Spruce Beach.
- b. No owner of an animal other than a dog shall permit his or her animal to run at large or trespass within any part of the City of Elliot Lake
- c. For the purposes of this section, an animal referred to in section 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.

4. IMPOUNDMENT OF ANIMALS

- a. Dogs/ cats or other animals found running at large or trespassing contrary to the provisions of this by-law may be seized by a Municipal Enforcement Officer and impounded in the animal shelter established by the corporation for that purpose.
- b. Where a dog/ cat or other animal has been impounded, the enforcement officer shall make inquiries to locate the owner and notify them of the animal's whereabouts.
- c. If, in the opinion of the Municipal Enforcement Officer and veterinarian, an impounded dog/ cat or other animal which is injured or ill must be euthanized without delay for humane reasons, the dog/ cat or other animal may be euthanized 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 "E" whether or not the dog/ cat or other animal is redeemed.
- e. Any dog/ cat 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.
- 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 City of Elliot Lake the animal shelter fees set out in Schedule "E" attached hereto and forming part of this by-law; and

- ii. holds or obtains, a valid license for the dog; and
 - iii. completes a Pound Release form attached in schedule “C”) to the satisfaction of an enforcement officer.
- g. Any dog or other animal not redeemed within the period set out in subsection (e) may be sold, (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/ cat or animal shall be placed with a new owner unless the person acquiring the same agrees to have the animal spayed or neutered.
- i. The owner of a female dog in heat shall take all necessary steps to confine such dog in a building or enclosure until such heat has ended.

5. DANGEROUS DOGS

The following definitions are specific to Section 6 of this By-Law:

“Bite” (*noun*) means a wound received from the mouth and, in particular, the teeth of a dog/ cat/ animal, which may result in abrasions, cuts, punctures, tearing of the skin or bruising;

“Bite” (*verb*) or **“Bitten”** means to:

- i. to cut, puncture, wound, tear or bruise with teeth;
- ii. to sever with teeth; or
- iii. to grip with teeth.

“Dangerous dog” means a dog, which has, without provocation, regardless of age and whether on private or public property:

- i. injured, attacked, bitten or killed a person or a domestic animal;
- ii. damaged or euthanized any public or private property;
- iii. been declared dangerous or vicious in another municipality in Ontario;

“Muzzle” means a humane fastening or covering device made of metal, plastic, leather, or a combination of these materials that does not interfere with the breathing, panting, ability to drink or vision of the dog when fitted and fastened over the mouth of the dog, but that is of sufficient strength to prevent the dog from biting;

“Notice to Muzzle” means an notice issued by the Municipal Enforcement Officer or Police Officer to the owner of a dangerous dog requiring that the dangerous dog be muzzled and restrained pursuant to the provisions of this By-Law;

“Restrained” means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons, other than the owner of the dog, or any other domestic animal or within a securely fenced yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside;

“Victim” for purposes of this By-Law means the person or domestic animal who is injured, attacked, bitten or killed as a result of dangerous dog; and

“Without Provocation” means that the dog has not been incited or induced to behave aggressively because:

- i. the dog was acting in defense of an attack on itself by a person or domestic animal;

- ii. the dog was acting in defense of its offspring or reacting to a person or domestic animal trespassing on the property of its owner; or,
- iii. the dog was being teased, provoked or tormented.

“Witness” means a person who has, claims to have, or is thought, by someone with authority to compel testimony, to have knowledge relevant to an event or other matter of interest and includes the victim.

- a. No Owner of a dog shall permit such dog to injure attack, bite or kill, without provocation, a person or domestic animal.
- b. Incidents involving a Dangerous Dog shall be reported to the Police and/ or Municipal Enforcement within forty-eight (48) hours of the incident.
- c. At the time of reporting an incident to the Police and/ or Municipal enforcement, the individual reporting the incident shall be required to obtain the name and badge number of the investigating Police Officer(s) for purposes of completing a Declaration Regarding a Dangerous Dog (Schedule B) in accordance with subsection 7 (d) of this By-Law.
- d. A Declaration Regarding a Dangerous Dog shall be completed by a witness to the incident provided to the Municipal Enforcement Officer department and shall include, but will not be limited to, the following information:
 - i. Name of the Owner of the dangerous dog;
 - ii. Name, address and telephone number of the victim or the witness to the incident involving the dangerous dog;
 - iii. Description of the dangerous dog, including breed, age and sex, if known, colour and other distinguishing features of the dog;
 - iv. The municipal dog tag number and rabies tag number, if available;
 - v. Date and time of incident, location where incident occurred and description of incident
 - vi. Name of other witnesses and agencies involved, if applicable;
 - vii. Signature of witness or victim; and
 - viii. Name and badge number of Ontario Provincial Police Officer(s) who investigated the incident.
- e. The witness shall provide any additional evidence related to the incident to the Police Officer investigating the incident when the Declaration is completed and signed by the witness and the investigating Police Officer:
- f. Pictures of the injury or damage caused by a dog, with date and time stamp noted on the picture;
- g. Picture of the dog (if and when possible);
- h. Information regarding treatment required from a person in the medical profession;
- i. Any other information deemed to be pertinent to the incident.
- j. Upon receipt of a signed Declaration Regarding a Dangerous Dog that has been attested to by a witness who actually saw the alleged dangerous dog injure, attack, bite or kill a person or domestic animal, the Municipal Enforcement Officer shall be empowered to declare the dog a Dangerous Dog.
- k. Under this by-law, the owner of the Dangerous Dog is subject to the applicable fee in the amount of One Thousand Dollars (\$1,000.00).

6. NOTICE TO MUZZLE

- a. Within two business days of receipt of a duly executed Declaration Regarding a Dangerous Dog (see schedule B), the Municipal Enforcement Officer shall serve the owner of the dog, a Notice to Muzzle of the Dangerous Dog requiring that the Dangerous Dog be muzzled and restrained pursuant to the provisions of this By-Law;
- b. Upon serving the Notice to Muzzle, the Municipal Enforcement Officer shall attest to the date and time of serving the Notice on the Notice to Muzzle and sign the Notice confirming service. At the time of serving the Notice to Muzzle, the owner of the dog will be provided with a signed copy of the Notice to Muzzle and a copy of the relevant By-Law related to Dangerous Dogs. One original signed copy of the Notice to Muzzle will be provided to the Municipality; and
- c. The Notice to Muzzle will be deemed to have been served on the day it was provided to the owner.

7. REQUIREMENTS OF DOG OWNER - NOTICE TO MUZZLE

- a. Every person who owns a dog for which a Notice to Muzzle has been served, shall Immediately upon being served a Notice to Muzzle, keep the Dangerous Dog restrained at all times when the Dangerous Dog is on the property of the owner in accordance with the definition for “restrained” as outlined in Section 6 Definitions;
- b. Immediately upon being served a Notice to Muzzle, when the Dangerous Dog is off the property of the owner:
 - i. keep the dog securely on a leash attached to a dog collar or halter with such leash to be a maximum length of one and one-half (1-1/2) meter and of sufficient strength to restrain the dog and keep it from chasing a person or a domestic animal;
 - ii. muzzle the dog; and
 - iii. ensure the dog is under the control of a person eighteen years of age or older.
- c. Within three business days after being served a Notice to Muzzle, pay to the City of Elliot Lake the additional license fee for dangerous dogs as outlined in **Schedule “E”** attached to this By-Law;
- d. Notify the Municipal Enforcement Office in writing within forty-eight hours:
 - i. of any changes to the residency of the Dangerous Dog;
 - ii. after the ownership of the Dangerous Dog is transferred to another person;
 - iii. of the death or euthanasia of a Dangerous Dog and provide proof of such death or euthanasia;
- e. Within three business days of being served a Notice to Muzzle, provide proof of personal liability insurance in the amount of not less than Five Million Dollars (\$5,000,000.00) with such insurance policy being endorsed to provide that the policy will not be altered, cancelled or allowed to lapse without providing thirty (30) days written notice to the Clerk of the City of Elliot Lake
- f. Within three business days of being served a Notice to Muzzle, place signage on the property of the dog owner’s that clearly warns people of the Dangerous Dog; and
- g. The owner of a Dangerous Dog shall be prohibited from allowing such Dangerous Dog to enter a designated off-leash area, which is so designated by signage and permits dogs to be kept off-leash.

8. KEEPING OF PETS

“Treated Humanely”, means that animals are treated in a manner that is characterized by tenderness, compassion and sympathy so as not cause physical injury, suffering or distress, including mental distress, to an animal.

8.1 RESPONSIBILITY TO CARE FOR ANIMALS

- a. Every person who owns or has custody of an animal within the City of Elliot Lake shall ensure; that such animal is treated humanely and is provided with:
 - i. a clean and sanitary environment free from an accumulation of fecal matter;
 - ii. a shelter that is waterproof and that protects it from exposure to the elements;
 - iii. a shelter for the animal that is adequate and appropriate for its size and breed; and
 - iv. adequate and appropriate care, food, water, shelter, exercise, attention, veterinary care and opportunity for physical activity as may be required to meet the needs of the species.

8.2 KEEPING ANIMALS IN UNSANITARY CONDITIONS

1. No person shall keep an animal within the City of Elliot Lake in an unsanitary condition.

8.3 TETHERS

- a. No person shall keep an animal tethered on a rope, chain, cord or similar restraining device unless:
 - i. The tether is of appropriate length for the species tethered;
 - ii. The animal has unrestricted movement within the range of such tether;
 - iii. The animal is not tethered for longer than ten (10) hours per day;
 - iv. The animal has access to water, food and shelter while tethered; and
 - v. The animal cannot injure itself as a result of the tethering.
- b. Notwithstanding Subsection 8.2.1, in the case of dogs, the tether shall be a minimum of three meters in length, provided the tether does not permit the animal to go beyond the limits of the dog owner’s property; and
- c. Notwithstanding Subsection 8.2.1, no person shall keep an animal tethered where a Choke Collar, a Choke Chain or a Prong Collar forms part of the tether or a rope, chain, cord or similar restraining device is tied directly around an animal’s neck.

8.4 AUTHORITY TO WRITE ORDER

- a. Under this by-law Municipal Enforcement have the authority to issue an order to an owner of an animal who is not being treated humanely to take that animal to the vet to receive proper care.

9. ANIMALS IN VEHICLES

- a. No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked;
- b. Notwithstanding Section 9.1, a person may allow an animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck if the animal is:
 - i. In a fully enclosed trailer;

- ii. In a topper enclosing the bed area of a truck;
 - iii. Contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
 - iv. Securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach beyond the outside edges of the vehicle.
- c. The Owner of an animal shall not leave an animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an animal; and,
- d. A Police Officer or Municipal Enforcement Officer who has reasonable grounds to believe that an animal left unattended in a motor vehicle is in imminent physical danger may take steps to remove the animal from the vehicle and shall not be held liable for any damage to the vehicle by so doing.

10. ABANDONMENT OR DISPOSAL OF LIVE ANIMALS

Part 10 of this By-Law applies to all persons, without exception, regardless of where they reside. The following definitions are specific to Part 10 – “Abandonment or Disposal of Live Animals, of this By-Law.

“**Abandon**”, for purposes of Part 11 of this By-Law means the surrender, relinquishment or cession of live animals and/or litters of animals with the intention of not reclaiming them;

“**Dispose**” means the action or process of throwing away or getting rid of live animals and/or a litter of animals on a property without the express approval or permission of the property owner;

“**Express Approval**” or “Express Permission” for purposes of this By-Law means permission provided in writing by the property owner permitting an individual or person to abandon or dispose of live animals and/or a litter of animals on the property owner’s property;

“**Highway Traffic Act**” means the Highway Traffic Act R.S.O. 1990 c. H8, as amended, and the regulations thereunder;

“**Licence Plate**” means the numbered plate issued by the Ministry of Transportation, or other regulatory authority if the vehicle is registered outside of the Province of Ontario, that shows the number of the permit issued for a vehicle in accordance with the Highway Traffic Act, R.S.O. 1990, c. H8.

“**Licence Plate Number**” means the unique number displayed on a Licence Plate issued by the Ministry of Transportation, or other regulatory authority if the vehicle is registered outside of the Province of Ontario, and which may consist of numbers or letters or a combination thereof;

“**Licence Plate Owner**” means the person or individual registered as the owner of a vehicle licence plate with the Ontario Ministry of Transportation or other regulatory authority if the vehicle is registered outside of the Province of Ontario, who may be a different person than the person named on the Motor Vehicle Permit of the vehicle bearing a licence plate;

“**Litter of Animals**” means the offspring of one birth of an animal;

“**Motor Vehicle Permit**” means a permit issued by the Ontario Ministry of Transportation, or other regulatory authority if the vehicle is registered outside of the Province of Ontario, which indicates the registered owner of a vehicle;

“**Offspring**” means the product of reproduction that results in animal(s) produced by one or more parents;

“Property Owner”, for purposes of this By-Law, means the registered owner of the real property and shall include family members or a tenant of the property owner who may be residing at such property; and

“Vehicle” or “Motor Vehicle” includes an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.

10.1 ABANDONMENT AND DISPOSAL OF LIVE ANIMALS AND/OR LITTERS OF ANIMALS

No person shall Abandon or Dispose of a live animal and/or a litter of live animals on any private and other property, including public property, within the City of Elliot Lake without the express permission of the property owner.

10.2 RESPONSIBILITIES OF LICENCE PLATE OWNER

Under Part 10.2 of this By-Law the License Plate Owner is deemed to have full and complete responsibility for the use of its vehicle for the purposes of contravening Part 10.2 of this By-Law regardless of who is operating the vehicle at the time of the offence.

10.3 REPORTING THE ABANDONMENT OR DISPOSAL OF ANIMALS AND/OR LITTERS OF ANIMALS

- a. The prohibited abandonment or disposal of live animals and/or Litters of Animals shall be reported to the City of Elliot Lake Municipal Enforcement Officer during the regular business hours of the City of Elliot Lake or by contacting the Police;
- b. Information to be reported to the Municipal Enforcement Officer or the Police by the property owner shall include, at a minimum, the following:
 - i. Date and time of the abandonment or disposal;
 - ii. The License Plate Number of the vehicle responsible for abandoning or disposing of the live animal(s) and/or litter(s) of animal(s); and
 - iii. A description of the vehicle responsible for abandoning or disposing of the live animal(s) and/or litter(s) of animal(s), which may include information on the make, model or colour of the vehicle.

11. ANIMAL FECES

- a. A person having control of a dog shall remove forthwith any feces 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.
- b. Section 11.a. of this By-Law does not apply to the handler of a service animal when the handler is unable to remove the feces left by such animal due to a disability as defined under the *Accessibility for Ontarians with Disabilities Act, 2005*, or an impediment where

such disability or impediment renders that person unable to remove feces left by their service animal; and

- c. Section 14.a. of this By-Law does not apply to persons with a disability, as defined by the *Accessibility for Ontarians with Disabilities Act, 2005*, where such disability renders that person unable to remove feces left by their animal.
- d. Every Owner of an animal shall remove from their premises, in a timely manner, feces left by an animal, so as not to disturb the enjoyment, comfort, convenience of any person in the vicinity of the premises; and
- e. The provisions of Subsection 14.a and 14.d. apply to the Owner of an animal regardless of whether or not the animal was under such owner's care and control at the time of a breach of the provisions of such Subsections.
- f. The provisions of Subsection 14.d. shall not apply to livestock kept for agricultural purposes where the livestock are kept on a property zoned agricultural.

15. PENALTY

- a. Any person who contravenes any provision of this By-Law is guilty of an offence, and upon conviction, is liable to any penalty as provided in the *Provincial Offences Act*, R.S.O. 1990, Chapter P. 33.
- b. Voluntary Payment of Penalty Out-Of-Court
 - i. Notwithstanding any other provisions of this by-law, when a dog or other animal has been impounded and, the owner has been identified, the Municipal Enforcement Officer may serve the owner with a notice of payment of penalty for permitting the dog or other animal to run at large.
 - ii. The notice served shall provide that the owner must voluntarily make payment of the sum set out and on so doing, no further charges will be laid for the offence as the case may be.
 - a. For the purposes of subsection (a) the penalty in the notice shall be Sixty Dollars (\$60.00).
- c. The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
- d. If any section, clause, sentence or provision or any part or parts thereof of this by-law is declared by any Court of Law to be invalid, illegal, or ultra-vires, such section, clause, sentence or provision or part or parts thereof shall be severable and shall not affect the validity of any other section, clause, sentence, provision or part of the by-law.

16. OBSTRUCTION, ENFORCEMENT, CONFLICTS AND SEVERABILITY

- a. No person shall hinder or obstruct an Officer in the enforcement of this By-Law.
- b. This By-Law shall be enforced by a Municipal Enforcement Officer of the City of Elliot Lake or a Police Officer, or any other person appointed by Council to enforce the By-Laws of the municipality.

17. REPEALING

By-law No. 12-15 are hereby repealed.

PASSED this day of , 2022.

MAYOR

CITY CLERK



The Corporation of the City of Elliot Lake
Animal License Tag Registration/Renewal Form
Dog/ Cat
(Please Circle One)

Animal Tag Number: _____	License Fee \$: _____
Animal Tag Issuance Date: _____ <i>Service Animal tags can be obtained at City Hall.</i>	
Location Animal Tag Purchased: _____	

Owner Information

Name: _____		
Address: _____	Unit Number: _____	
New Address from Last Year? (Yes/No): _____		
<i>Note: If this address is new, please provide the old address on the reverse side of this form.</i>		
Postal Code: _____	City: _____	Province: _____
Home Phone: _____	Cell Phone: _____	

Pet Information

Name: _____		Breed: _____	
Colour/Markings: _____		Age: _____	
Male: _____	Male/Neutered: _____	Female: _____	Female/Spayed: _____
Rabies Protection (Yes/No): _____		Rabies Tag Number: _____	
Date of Inoculation: _____		Veterinarian: _____	
<u>Total Number of Pets In Household:</u> _____		Dogs: _____	Cats: _____

Please complete the following (if this application is for a dog), to identify if the animal <u>is</u> or <u>is not</u> a “pit bull” described as one of the following:			
YES		NO	
YES			
<input type="checkbox"/>	<input type="checkbox"/>	(a) a pit bull terrier	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	(b) a Staffordshire bull terrier	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	(c) an American Staffordshire terrier	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	(d) an American pit bull terrier	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	(e) a dog that has an appearance and physical characteristics that are <u>substantially similar</u> to those of dogs referred to in any of clauses (a) to (d); (“pit-bull”)	

I hereby certify that the above information is true and correct, and by signing below, give authorization to The Corporation of the City of Elliot Lake to confirm the information hereon.

Signature of Owner: _____ **Signature of Employee:** _____

Corporation of the City of Elliot Lake
Declaration Regarding A Dangerous Dog

Name of Owner of Dog: _____
Address: _____
Telephone Number: _____

Name of Dog: _____ Dog Tag Number: _____
Description of Dog:
Breed: _____
Colour: _____
Other Distinguishing Features: _____
Age: _____
Sex: _____

Rabies Tag Number: _____ Other Identification: _____

Date of Incident: _____
Time of Incident: _____
Location Where Incident Occurred: _____

Description of Incident:

Name of Witness or Victim: _____
Address: _____
Telephone Number: _____

Name of Other Witnesses and Agencies Involved (if applicable): _____

Signature of Witness or Victim

For reference purposes only: Name(s) of Investigating Police Officer(s), Name of Police Force and Badge Number(s)

Signature of Municipal Enforcement Officer

Date of Declaration

Note: If an action results from this occurrence, you may be required to give evidence.

Personal information contained in this form is collected under the authority of the *Municipal Act*, S.O., 2001, as amended, and will only be used for the purposes for which it was collected. Questions about this collection of information should be directed to the Clerk of the City of Elliot Lake, 45 Hillside Drive North, Elliot Lake, ON P5A 1X5, 705-848-2287.

POUND CARD FOR: _____		DATE IN: _____	POUND NO. _____
LOCATION: _____		ON ARRIVAL:	FINES CHARGEABLE _____
STRAYING AT LARGE _____ TRUCK _____ AM _____ PM _____		HEALTHY _____	SERVICES CHARGEABLE _____
TRESPASSING _____		SICK _____	OTHER _____
RELEASSED BY OWNER _____ POUND _____ AM _____ PM _____		INJURED _____	TOTAL _____
DEAD _____			
BREED or TYPE OF ANIMAL: _____			DISPOSITION: RECEIPT # _____
EST. AGE _____ EST. WEIGHT _____ COLOUR _____			RESEARCH _____
DESCRIPTIVE MARKINGS: _____			REDEEMED _____
DOG M. _____	F. _____		SOLD _____
CAT M. _____	F. _____		PURPOSE: (Sec. 20 - 6(b))
IDENTIFICATION TAG NO., ETC. _____			DESTROYED _____ CIRCLE _____
			Sec. 20 (7) a - b - c - d
Poundkeeper's Signature _____		Owner's Signature _____	
DATE OUT: _____ 20 _____		Owner's Address _____	

POUND CARD FOR: _____		DATE IN: _____	POUND NO. _____
LOCATION: _____		ON ARRIVAL:	FINES CHARGEABLE _____
STRAYING AT LARGE _____ TRUCK _____ AM _____ PM _____		HEALTHY _____	SERVICES CHARGEABLE _____
TRESPASSING _____		SICK _____	OTHER _____
RELEASSED BY OWNER _____ POUND _____ AM _____ PM _____		INJURED _____	TOTAL _____
DEAD _____			
BREED or TYPE OF ANIMAL: _____			DISPOSITION: RECEIPT # _____
EST. AGE _____ EST. WEIGHT _____ COLOUR _____			RESEARCH _____
DESCRIPTIVE MARKINGS: _____			REDEEMED _____
DOG M. _____	F. _____		SOLD _____
CAT M. _____	F. _____		PURPOSE: (Sec. 20 - 6(b))
IDENTIFICATION TAG NO., ETC. _____			DESTROYED _____ CIRCLE _____
			Sec. 20 (7) a - b - c - d
Poundkeeper's Signature _____		Owner's Signature _____	
DATE OUT: _____ 20 _____		Owner's Address _____	

DOGHOUSE CONSTRUCTION

The doghouse illustrated in figure #2 can be simply made from readily available materials. Basically, it is a frame of 2" x 2's, with a 1/2" or 3/4" weatherproof plywood exterior. It has an entrance and hallway that are separated from a sleeping area. Walls, floors and ceiling of the sleeping area are insulated with 1 1/2" Styrofoam sheets which, in turn, are covered on the inside with a paneling of 1/4" hardboard or similar material.

SIZE OF SLEEPING AREA FLOOR SPACE

For each inch of your dog's height (measured from top of shoulder to ground), allow 36 square inches of floor space. For example, a dog 12 inches tall needs 432 square inches of floor space, or a floor area of 16" x 27" = 432 square inches.

HEIGHT OF SLEEPING AREA

Add 1 or 2 inches to your dog's measurement when in a sitting position (from top of head to ground). In order to determine the ceiling height, for example, a dog 12 inches tall will have a sitting height of about 14 inches and the doghouse ceiling should be 15 or 16 inches high.

OVERALL DOGHOUSE DIMENSIONS

For example, a Dalmatian (20" tall, sitting height 23") doghouse should measure: sleeping area - 20" x 36"; hall area - 12" x 20"; ceiling height - 25"; doorways - 10" square; roof - 36" x 72".

For other breeds' doghouse dimensions, see Table 2

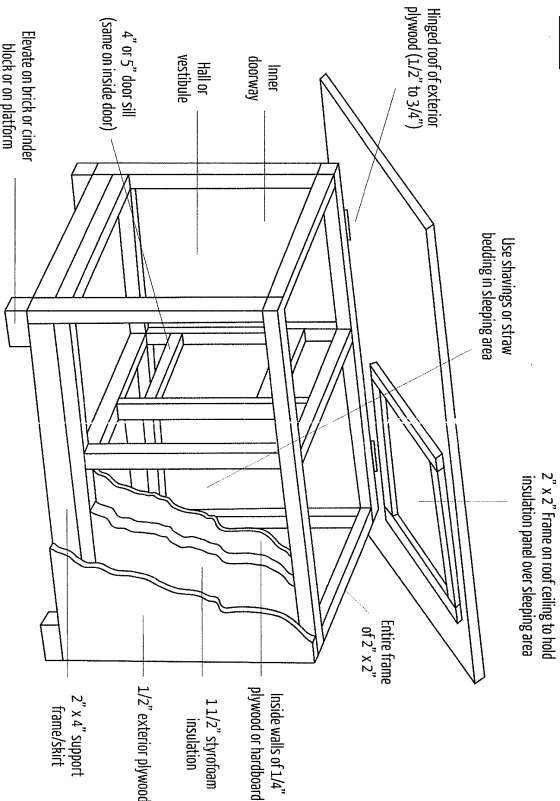


FIGURE 2

TABLE 2 DOGHOUSE DIMENSIONS FOR DOGS OF VARIOUS SIZES

Assess and ceiling heights are inside measurements	10" - shoulder 12" - sitting Toy Poodles Scottish Terriers	12" - shoulder 14" - sitting Miniature Poodles Scottish Terriers	16" - shoulder 18" - sitting Shetland Sheepdogs Cocker Spaniels	20" - shoulder 23" - sitting Dalmatians Pointers	24" - shoulder 27" - sitting Retrievers Collies	28" - shoulder 32" - sitting Newfoundland St. Bernards
SLEEPING AREA	15" X 24"	16" X 27"	18" X 31"	20" X 36"	22" X 39"	25" X 43"
HALL AREA	11" X 15"	12" X 16"	12" X 18"	12" X 20"	14" X 22"	16" X 25"
COMBINED AREA (Sleeping & Hall)	15" X 35"	16" X 39"	18" X 43"	20" X 48"	22" X 53"	25" X 59"
CEILING HEIGHT	14"	16"	20"	25"	30"	36"
DOORWAYS	7" square	8" square	9" square	10" square	11" x 13"	12" x 16"
ROOF	25" X 48"	26" X 54"	34" X 62"	36" X 72"	38" X 78"	41" X 86"
PLATFORM (if used)	25" X 48"	26" X 54"	34" X 62"	36" X 72"	38" X 78"	41" X 86"

TABLE 3 BREED SHOULDER HEIGHTS

Poodle, toy	up to 10"
Scottish Terrier	10"
Poodle, miniature	10" to 14"
Welsh Corgi	11" to 12"
Shetland Sheepdog	13" to 16"
Fox Terrier	15" to 15 1/2"
American Cocker	15" to 15 1/2"
Poodle, standard	15" to 16"
Dalmation	20" to 23"
Boxer	22" to 24"
Collie	22" to 24"
Retriever	22" to 25"
German Shepherd	22" to 26"
Old English Sheepdog	22"
Airedale	23"
Doberman	25"
St. Bernard	25" to 27 1/2"
Newfoundland	26" to 28"
Great Dane	28" to 30"
Russian Wolfhound	28" to 31"

Schedule E- License Fees

Tags	
Regular Dog	\$80.00
Dangerous Dogs	\$80.00
Regular Dog tag BEFORE deadline	\$40.00
Spayed/Neutered Dog	\$35.00
Spayed/Neutered Dog 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/ cat Identification tags is January 15th of each calendar year.

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).

Schedule F – Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining	Set Fine (Including costs)
1.	Own dog/ cat without license and identification tag	Section 1.a.	\$ 125.00
2.	Failure to affix dog/ cat tag to dog/ cat	Section 1.o.	\$ 125.00
3.	Affix dog/cat tag to dog/ cat other than one for which tag issued	Section 1.s.	\$ 150.00
4.	Own in excess of three dogs/ cats	Section 1.u./v.	\$ 125.00
5.	Dog/ cat/ animal owner allowing a dog/ cat/ animal to run at large	Section 2.a	\$ 200.00
6.	Dog not on leash when off premises of owner	Section 2.b	\$ 100.00
7.	Dog on leash in excess of two meters in length	Section 2.c.ii.	\$ 100.00
8.	Dog on splash pad	Section 2.e	\$ 200.00
9.	Dog/ Dangerous Dog attack	Section 5.k.	\$ 1000.00
10.	Failure to restrain dangerous dog on owner's property	Section 7.a	\$ 250.00
11.	Failure to leash a dangerous dog off owner's property	Section 7.b	\$ 250.00
12.	Dangerous dog off owner's property on leash over one and one-half meters in length	Section 7.b.i.	\$ 250.00
13.	Failure to muzzle a dangerous dog off owner's property	Section 7.b. ii.	\$ 250.00
14.	Dangerous dog under the control of person less than 18 years of age	Section 7.b. iii.	\$ 250.00
15.	Failure to pay additional license fee for dangerous dog	Section 7.c	\$ 150.00

16.	Failure to advise of changes in residency of dangerous dog	Section 7.d.i	\$ 100.00
17.	Failure to notify of transfer of ownership of dangerous dog	Section 7.d.ii	\$ 100.00
18.	Failure to notify of death or euthanasia of dangerous dog	Section 7.d.iii	\$ 100.00
19.	Failure by owner of dangerous dog to provide proof of insurance	Section 7.e	\$ 250.00
20.	Failure to place warning signage on property of dangerous dog owner	Section 7.f	\$ 150.00
21.	Allowing a dangerous dog to enter an off-leash area	Section 7.g	\$ 250.00
22.	Failure to treat an animal humanely	Section 8	\$ 250.00
23.	Failure to provide an animal with a clean and sanitary environment	Section 8.1.a.i	\$ 250.00
24.	Failure to provide an animal with a waterproof shelter that protects it from the elements	Section 8.1.a.ii	\$ 250.00
25.	Failure to provide an animal with a shelter that is adequate and appropriate to its size	Section 8.1.a.iii.	\$ 250.00
26.	Failure to provide an animal with care, food, water or veterinary care	Section 8.1.a.iv.	\$ 250.00
27.	Length of tether not appropriate for species tethered	Section 8.3.a.i	\$ 200.00
28.	Animal tethered for longer than ten (10) hours per day	Section 8.3.a.iii	\$ 250.00
29.	Length of tether allows dog to go beyond limits of owner's property	Section 8.3.b.	\$ 100.00

30.	Choke collar, choke chain or prong collar forms part of tether	Section 8.3.c.	\$ 200.00
31.	Rope, chain, cord or other retraining device tied directly to animal's neck	Section 8.3.a	\$ 200.00
32.	Animal outside of the passenger cab of a vehicle and not appropriately restrained	Section 9.a	\$ 200.00
33.	Animal left unattended in a motor vehicle when weather conditions not suitable	Section 9.c	\$ 200.00
34.	Abandonment or disposal of a live animal, live animals or litter of live animals	Section 10.1	\$ 500.00
35.	Failure to remove feces left by an animal on highway or roadway	Section 11.a.i	\$ 150.00
36.	Failure to remove feces left by an animal on public park	Section 11.a.ii.	\$ 150.00
37.	Failure to remove feces left by an animal on sidewalk	Section 11.a	\$ 150.00
38.	Failure to remove feces left by an animal on public property other than park	Section 11.a.iii	\$ 150.00
39.	Failure to remove feces left by an animal on property of person other than owner	Section 11.a.iv	\$ 150.00
40.	Failure to remove feces left by an animal on property of dog owner	Section 11.d	\$ 150.00