

THE CITY OF TIMMINS

BY-LAW No. 2021-8593

Being a by-law for the licensing, registration, regulation and control of cats and dogs and for the determination of the compensation to be allowed for impounding, distraining and detaining of cats and dogs within the City of Timmins

WHEREAS Section 10(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

WHEREAS Section 10(2) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that a single-tier municipality may pass by-laws respecting the following matters:
(9) Animals.

WHEREAS Section 11(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4)

WHEREAS Section 11(3) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction:
(9) Animals

WHEREAS Section 103(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law;
and
- (b) the sale of impounded animals,
 - (i) if they are not claimed within a reasonable time,
 - (ii) if the expenses of the municipality respecting the impounding of the animals are not paid, or
 - (iii) at such time and in such manner as is provided in the by-law.

WHEREAS Section 105(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement.

(2) An exemption may be granted subject to such conditions as council considers appropriate

WHEREAS Section 128(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that without limiting sections 9, 10 and 11, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

(2) The opinion of council under this section, if arrived at in good faith, is not subject to review by any court.

NOW THEREFORE the Council for the Corporation of the City of Timmins enacts as follows.

PART I - DEFINITIONS

1. For the purposes of this by-law,

“Animal” shall have the same meaning as “cat” or “dog” as described in this by-law and shall be interchangeable and shall have the same meaning whether referred to in the singular or plural as the case may be within the by-law;

“Animal Control Officer” means any person appointed by the Council for the City of Timmins pursuant to Section 15 of the Police Services Act to enforce the provisions of this By-law;

“Appeal Committee” means the Committee of Adjustment as designated by the City of Timmins for the purpose of this by-law for hearing appeals following the issuance of a Dangerous Dog Notice;

“At large” means to be found in any place other than the premises of the owner of the cat and not under the control of any person by way of a leash of a maximum length of two (2) meters held by a person, or when a cat is not on a leash which is securely affixed to some permanent structure from which the cat cannot escape;

“cat” means a feline over the age of six weeks of any breed of domesticated cat or crossbreed-domesticated cat

“Certificate” means a certificate, confirmation or other report, in writing, of a veterinary surgeon evidencing that a particular dog therein identified has been spayed or neutered; it also means a certificate of insurance from an insurer;

“City” means The Corporation of the City of Timmins;

“Dangerous Dog” includes any of the following:

- f) a dog that, in the absence of any mitigating factor has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so,
- g) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal,
- h) a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its Guardian in violation of the requirements of such dog,
- i) a dog that is attack trained, or
- j) means a dog that is kept for the principal purpose of security or protection, whether residential, commercial or industrial, of persons or property;

“Dog” means a domesticated canine animal, male or female, two months of age and older, but does not include a guide dog within the meaning of the *Blind Persons Act*, as amended, or a Police Work Dog;

“Domestic Animal” means an animal that has been tamed and kept by humans as a work animal, food source, or pet

“Owner” includes a person who possesses, harbors or somebody who regularly feeds a cat or Dog and who is eighteen years of age or over and “Owns” and “Owner” have a corresponding meaning

“Dwelling” or “Dwelling Unit” means a premises or any part thereof occupied as living accommodation and includes the lot used in conjunction with it;

“Guardian” means any person, partnership, association or corporation that owns, keeps, possesses or harbors a cat or dog or cats or dogs or a combination of both cats and dogs and “own”, “owns,” or “owned” have a corresponding meaning and where the Guardian is a minor means the parent, guardian or person having custody of the minor;

“Harbor” means having care, custody or control of a dog;

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place and bridge, designed and intended for use by the general public for the passage of vehicles and persons;

“Leash” means a chain rope or other device used to restrain a dog, affixed to a collar and of not more than one and one-half metres in length;

“Licence” means a licence issued by the Issuer or their designate;

“Licence Agent” means an agent as designated by the Licence Issuer authorized to sell licences;

“Licence Issuer” means the Manager of By-law Services and includes any person or organization authorized by the Manager to accept dog registrations and issue dog licences;

“Supervisor of By-law Services” means the person designated by the City of Timmins to manage By-law Services.

“Microchip” means an encoded electronic device implanted in an animal by or under the supervision of a veterinarian, which contains a unique code number that provides owner information that is stored in a central database;

“Mitigating Factor” means a circumstance that excuses aggressive behavior of a dog and without limiting the generality of the foregoing, may include circumstances where:

- d) the dog was, at the time of the aggressive behavior, acting in defense to an attack from a person or a domestic animal,

- e) the dog was, at the time of the aggressive behavior, acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its Guardian,
- f) the dog was at the time of the aggressive behavior, being teased, provoked or tormented;

“Municipal Law Enforcement Officer” means a municipal by-law enforcement officer appointed under Section 15 of the Police Services Act by the City of Timmins and shall include any person appointed as an Animal Control Officer by the City for the purposes of this by-law;

“Municipality” means the City of Timmins;

“Municipal Pound” means a pound maintained by or on behalf of the City of Timmins;

“Municipal Property” means property other than a highway;

“Muzzle” means a humane fastening or covering device placed over a dog’s mouth and of sufficient strength to prevent the dog from biting;

“Photograph” means a picture or likeness obtained by film or digital camera for the purpose of physical identification;

“Potentially Dangerous Dog” means a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its Guardian, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling;

“Pound” means a premises that is used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of the municipality;

“Pound Keeper” means a person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing and carrying out the provisions of this by-law;

“Premises” means lands, buildings or any structures;

“User Fee By-law” means the by-law enacted to authorize The City of Timmins to establish fees/charges for services provided in the City of Timmins as amended.

PART II – LICENSING

2. (1) Every person who has become the Owner or Guardian of a cat or dog two months of age or older shall obtain a licence for each such cat or dog and pay to the City a licence fee for each such dog in accordance with the provisions of the City of Timmins User Fee By-law Schedule “I” as amended.

(2) A dog used as a guide or for assistance to a disabled person shall be licensed and shall wear the current licence tag. Any person who produces evidence satisfactory to the municipality

showing that the dog is required as a guide or for assistance by a disabled person shall be exempt from paying the licence fee.

(3) The Owner or Guardian shall renew the licence for every cat or dog annually with the municipality.

(4) Every licence issued pursuant to this by-law shall expire on the 31st day December in the year in which the licence was purchased.

3. (1) Every licence issued pursuant to this by-law shall be in the form of a cat or dog tag.

(2) Every licence shall bear a serial number and the year sold.

(3) When a cat or dog is off the property of the Owner or Guardian the Owner or Guardian shall cause the cat or dog to wear around the neck a collar to which shall be attached the current licence tag issued for that cat or dog by the municipality.

4. (1) A person claiming entitlement to a lower cat or dog licence fee on the basis that the cat or dog in question has been spayed or neutered, shall produce a Certificate to the Issuer verifying such claim.

(2) No person shall produce to the Licence Issuer a Certificate respecting a cat or dog other than the cat or dog for which the Certificate was issued.

5. (1) The licence fee to be paid to the Licence Issuer at the time of the issuance of the licence shall be in accordance with the City of Timmins User Fee By-law Schedule "I".

(2) The fee charged for the replacement of a current lost tag shall be in accordance with the City of Timmins User Fee By-law Schedule "I".

(3) If there is a change of ownership of a cat or dog during the licence year, the Owner or Guardian shall notify the Licence Issuer immediately of the change of ownership and the new Owner or Guardian shall pay a licence transfer fee in accordance with the City of Timmins User Fee By-law Schedule "I" for this service to the Licence Issuer.

(4) Where a person who is the Owner or Guardian of a cat or dog, becomes a resident in the City of Timmins and is in possession of a valid cat or dog licence issued by another municipality, an application shall be made to the Licence Issuer for a licence pursuant to this by-law and a licence shall be issued upon the following conditions:

(a) payment of the licence fee in accordance with the City of Timmins User Fee By-law Schedule "I",

(b) surrender of the dog licence issued by the other municipality.

(5) The Licence Issuer is hereby authorized to designate such Licence Agents as may be required from time to time to sell licences, provided however, that a Licence Agent shall be entitled to a commission of Two Dollars (\$2.00) for each licence sold.

PART III KEEPING OF CATS AND DOGS

6. (1) No person shall keep more than 6 domestic cats or 4 domestic dogs on the premises of any single-family dwelling unit.

(2) Where there is more than 1 dwelling unit on a parcel of land no person shall keep more than 2 cats or dogs per dwelling unit.

PART IV – RUNNING AT LARGE

7. (1) No Owner or Guardian shall permit any cat or dog to run at large in the City of Timmins.

(2) Every owner or guardian shall keep a dog on a leash or under the direct control of a competent person. For the purpose of this By-law, a cat or dog shall be deemed to be running at large if found in any place other than the premises of the Owner or Guardian and not on a leash and/or under the direct control of a competent person.

8. (1) Any cat or dog found running at large shall be seized, impounded, sold, redeemed or humanely euthanized as provided for in this by-law.

(2) Any cat or dog found on private property shall, upon request of the Owner or occupant of such private property, be seized and impounded as provided for in this by-law.

(3) The Animal Control Officer or Municipal Law Enforcement Officer may enter any land without the consent of a Guardian or owner in pursuit of any cat or dog that has been observed running at large. Where the Guardian or owner of the land is not present to claim the cat or dog, the Animal Control Officer may seize the cat or dog as a cat or dog found running at large.

(4) No persons shall release a cat from a trap set by an Animal Control Officer.

PART V – MUZZLING, LEASHING AND CONTAINMENT OF DOGS

9. No Owner or Guardian shall permit their dog to bite or attack without provocation a person or domestic animal.

10. (1) Every Owner or Guardian, when their dog is on the property of the Owner or Guardian or on the property of some person with such person's consent, shall keep their dog from leaving the property on its own, by means of:

- d) Enclosure,
- e) Containment within a fenced area, or
- f) Physical restraint of the dog by a chain or other similar device.

(2) Notwithstanding section 10(1) when such dog is on the property of the Owner or Guardian or on the property of some other person such person's consent and where such lands are zoned and used for agricultural purposes, the Owner or Guardian may keep the dog from leaving such property on its own by any reasonable means.

11. (1) When an Animal Control Officer, Municipal Law Enforcement Officer or Police Officer designates a dog as a Potentially Dangerous Dog, the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer shall serve a Potentially Dangerous Dog Notice and upon receipt, the Owner or Guardian shall comply with such of the following requirements deemed necessary by the Officer:

- (a) To keep such dog, when it is on the property of the Owner or Guardian, confined:
 - v. within the Owner or Guardian's dwelling, or
 - vi. in a securely enclosed pen of sufficient dimension and strength to be a humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the Owner or Guardian of the dog; and
 - vii. the pen or structure shall not be within one (1) meter of the property line or within three (3) meters of a neighboring dwelling unit, or
 - viii. if not confined under subparagraphs (i), and (ii) above, to keep such a dog on a leash and under control of the Guardian;
 - (b) to keep such dog, when it is on the property of another person with that person's consent, on a leash and under the control of that person who is eighteen years of age or more;
 - (c) to securely attach a Muzzle to such a dog at all times when it is not on the property of the Owner or Guardian or not on the property of another person who is eighteen years of age or more;
 - (g) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 per incident for any damage or injury caused by such Potentially Dangerous Dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Manager of By-law Services should the policy expire, be cancelled or be terminated for any reason;
 - (e) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Owner or Guardian's expense, for the purpose of identifying such dog as a potentially dangerous dog;
 - (h) To restrain the potentially dangerous dog in accordance written directives which may be given by the Animal Control Officer, Municipal Law Enforcement Officer or a Police Officer.
 - (i) Owner or guardian of Potentially Dangerous Dog or Dangerous Dog must comply to all written directions in the notice within 30 days of issuance of notice.
12. (1) If an Animal Control Officer, Municipal Law Enforcement Officer or Police Officer designates a dog as a Dangerous Dog, the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer shall serve a Dangerous Dog Notice upon the Owner or Guardian. Every Owner or Guardian, upon receipt of such notice shall comply with such of the following requirements :
- (g) to keep such dog confined;
 - i. within the Owner or Guardian's dwelling; or

- ii. in an enclosed pen of sufficient dimension and strength to be a humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the Owner or Guardian of the dog. Such dog may not be chained as means of confinement,
 - iii. the pen or structure shall not be within one (1) meter of the property line or within three (3) meters of a neighboring dwelling unit,
- (h) to conspicuously display at each entrance to their property a sign in writing, as well as with a symbol, warning that there is a dangerous dog on the property. This sign shall be visible from the roadway or thoroughfare;
- (i) to securely attach a Muzzle to such a dog at all times when it is not confined in accordance with section 12(1)(a);
- (j) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 per incident for any damage or injury caused by such Dangerous Dog and to provide to the Animal Control Officer or Police Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Manager of By-law Services should the policy expire, be cancelled or be terminated for any reason;
- (k) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a Dangerous Dog;
- (l) To restrain the Dangerous Dog in accordance with any written directives which may be given by the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer.

13. (1) The notices referred to in Sections 11(1) and 12(1) hereof shall include:

- (a) a statement that the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer has reason to believe that the dog is a Potentially Dangerous Dog or a Dangerous Dog, as the case may be;
- (b) the requirements that the Owner or Guardian must comply with in accordance with sections 11(1) or 12(1) and when such requirements take effect; and
- (c) a statement that the Owner or Guardian may request, within three working days of receipt of the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer's notice, and is entitled to, a hearing by the Appeal Committee that may affirm or rescind the Animal Control Officer's, Municipal Law Enforcement Officer's or Police Officer's designation of the dog as a potentially dangerous dog or a dangerous dog, as the case may be and may substitute its own designation or its own requirements of the Owner or Guardian of a potentially dangerous dog pursuant to subsection 11(1)(a) through (f) or a dangerous dog pursuant to subsection 12(1)(a) through (f).

14. (1) If an Owner or Guardian receives notice from the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer designating their dog to be a potentially dangerous dog or a dangerous dog, and so requests in writing to the Clerk within three working days of receipt of such notice, the Appeal Committee shall hold a hearing pursuant to the provisions of the *Statutory Powers Procedure Act* within 30 working days of the Clerk's receipt of the request for a hearing and may:
 - (a) affirm or rescind the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
 - (b) substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
 - (c) substitute its own requirements of the Owner or Guardian of a potentially dangerous dog pursuant to section 11(1)(a) through (f);
 - (d) substitute its own requirements of the Owner or Guardian of a dangerous dog pursuant to section 12.1(a) through (f).
15. An Animal Control Officer, Municipal Law Enforcement Officer or Police Officer may either on their own initiative or as a result of a complaint received by them from conduct an inquiry into whether a dog should be designated a potentially dangerous dog or as a dangerous dog, as the case may be;
16. The requirements of sections 11(1)(d) and (e) and 12(1) (d) and (e) that may be imposed on an Owner or Guardian by the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer pursuant to each subsection shall not be required to be effected until the earlier of the time for appeal under section 14 has elapsed with a request for a hearing pursuant to that section being received by the Clerk, or the hearing under section 14 has been duly requested and a determination has been made by the Appeal Committee.
17. (1) Every Owner or Guardian whose dog has been designated a potentially dangerous dog or a dangerous dog pursuant to this by-law shall advise the Supervisor of Enforcement Services immediately if they transfer guardianship of such dog to another person or changes the address at which such dog is kept and shall furnish the Supervisor of Enforcement Services with particulars of the name and address of the new Owner or Guardian or the new address at which the potentially dangerous dog or dangerous dog is kept.

(2) A Dangerous Dog Notice served upon and being enforced on the Owner or Guardian who owned the dog at the time of service shall be deemed to have been served and is enforceable on the new Owner or Guardian of the dog. The new Owner or Guardian shall be required to comply with the requirements as set out in the Dangerous Dog Notice served upon the original owner of the dog.
18. Any notices served by the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer or requests for hearings made by an Owner or Guardian pursuant to this by-law shall be provided by hand delivery or prepaid registered mail and, in event of service by prepaid registered mail, shall be deemed received on the fifth business day after the date of mailing.

19. Notwithstanding section 23 where a potentially dangerous dog or a dangerous dog has been impounded for any reason, the Animal Control Officer or pound keeper shall not restore that dog to its Owner or Guardian or to any other person unless the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer is satisfied that the person to whom the dog is to be restored is aware of and is compliance with the provisions of sections 11(1) and 12(1) as the case may be. All fees otherwise payable to the Animal Control Officer upon restoration of an impounded dog are payable by the Owner or Guardian of a potentially dangerous dog or dangerous dog for any length of time it may be held in the pound pursuant to this section.
20. If the Owner or Guardian of a potentially dangerous dog or dangerous dog that has been impounded is unable to demonstrate compliance with the provisions of sections 11 and 12 as the case may be to the reasonable satisfaction of the Animal Control Officer or refuses to do so, the Animal Control Officer after a reasonable period of time, may sell or otherwise dispose of the dog in accordance with this by-law.
21. The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in section 11(1) and 12(1).

PART VI - IMPOUNDMENT

22. (1) An Animal Control Officer, Municipal Law Enforcement Officer, Pound Keeper or Police Officer shall seize and impound every cat or dog found,
 - (a) running at large contrary to the provisions of this by-law,
 - (b) on private property, where requested to do so by the Owner or occupant of such private property.

(2) The Animal Control Officer and Pound Keeper shall make all reasonable efforts to identify and contact the owner of every stray cat or dog received.
23. (1) Where a cat or dog has been seized or impounded pursuant to the provisions of Section 22, the Owner or Guardian of the cat or dog may redeem such cat or dog within five (5) days exclusive of Saturdays, Sundays and statutory holidays.

(2) After the expiration of the redemption period, the Pound Keeper where a cat or dog has been impounded pursuant to this by-law may keep, sell or dispose of the cat or dog, subject to the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A. 22, as amended. The Pound Keeper shall ensure that a purchaser living within the City first obtains a licence.

(3) Where the Owner or Guardian of the cat or dog has signed a consent and indemnity form releasing the cat or dog to the City of Timmins the animal becomes the property of the City of Timmins and the City of Timmins may at its discretion keep, sell or dispose of the animal.

(4) Where in the opinion of a Veterinarian or the pound keeper, a cat or dog seized or impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the animal may be euthanized humanely.
24. Where a cat or dog has been impounded for biting, and the City is required by any Act to impound a cat or dog for a determined period, the Owner or Guardian prior to release of the cat

or dog shall pay a maintenance fee for each day the animal was impounded as set out in accordance with the City of Timmins User Fee By-law Schedule "I".

PART VII FEES

25. (1) Where the Owner or Guardian of a cat or dog has requested that the City of Timmins take possession of the said animal the Owner or Guardian shall be subject to the fees in accordance with the City of Timmins User Fee By-law Schedule "I".
- (2) When the Animal Control Officer is requested to pick-up an animal at the Owner's or Guardian's residence for the purpose of releasing the animal to the City of Timmins, the charge for a home the pick-up shall be subject to the fees in accordance with the City of Timmins User Fee By-law Schedule "I".
- (3) Where the Owner or Guardian has requested that the City of Timmins take possession of their animal under Subsection (1) the owner shall sign a consent and indemnity form provided by the Animal Control Officer or Pound Keeper prior to the Animal Control Officer or Pound Keeper accepting said animal.
- (4) Where the Owner or Guardian of an animal is not a resident of the City of Timmins and it is their wish that the City of Timmins take possession of their animal the Owner or Guardian shall sign a consent and indemnity form provided by the Animal Control Officer or Pound Keeper prior to the Animal Control Officer or Pound Keeper accepting said animal and the charges shall be subject to the fees in accordance with the City of Timmins User Fee By-law Schedule "I".
26. (1) The Pound Keeper shall not accept any animal being released to the City of Timmins by a Guardian without first viewing 1 piece of identification confirming the identity of the Guardian satisfactory to the Pound Keeper.
- (2) The Pound Keeper shall not accept any animal being released to the City of Timmins by a Guardian until such time as the prescribed fees have been paid in accordance with Section 25 of this By-law.
27. (1) Where a cat or dog is seized and impounded under authority of this by-law, the Owner or Guardian, if known and whether the cat or dog is claimed from the pound or not, shall be liable for the pound maintenance fees prescribed and shall pay all fees on demand by the Animal Control Officer, Municipal Law Enforcement Officer or Pound Keeper or its Agent.
- (2) The Pound Keeper may release an impounded cat or dog to its owner:
- a) if the owner claims possession of the cat or dog within five (5) working days after the date of seizure and impounding; and
 - b) where on application to the Pound Keeper or an Animal Control Officer and proving their ownership and being satisfied that the Owner or Guardian is in receipt of a licence for the current year from the Licence Issuer and upon payment of pound fees as follows:
 - i) When a cat or dog is wearing a current licence and the animal has not been picked up since the purchase of the said licence the animal shall be returned to the Owner or Guardian at no charge.

ii) When the Owner or Guardian is in possession of a current licence when the animal is seized or impounded however the animal is not wearing the said licence, at the time of pick up, the Owner or Guardian shall be subject to a pound fee in accordance with the City of Timmins User Fee By-law Schedule "I"

iii) When a licensed animal is seized or impounded on a second occasion since the purchase of the licence and any subsequent occasion during the current year of the licence and whether the animal is wearing the licence or not, the Owner or Guardian will be subject to a pound fee in accordance with the City of Timmins User Fee By-law Schedule "I".

iv) At any time that an unlicensed animal is seized or impounded the Owner or Guardian of the said animal will be subject to a pound fee in accordance with the City of Timmins User Fee By-law Schedule "I".

v) In all circumstances list in (i) to (iv) the Owner or Guardian shall pay a boarding fee in accordance with the City of Timmins User Fee By-law Schedule "I",

vi) any veterinary fees incurred for the animal by the City of Timmins, and,

(vii) When an animal has been impounded for biting, and the City of Timmins is required by any Act to impound an animal for a determined period, prior to releasing the animal to the Owner or Guardian, the Owner or Guardian shall be pay a boarding fee as in accordance with the City of Timmins User Fee By-law Schedule "I" for each overnight stay the animal was cared for at the pound.

PART VIII - POOP & SCOOP

28. Every Owner or Guardian not being a blind person or disabled person shall immediately remove and dispose on any excrement left by their dog.

PART IX – COMPENSATION

29. The City, its employees, agents and servants and the Animal Control Officer shall not be liable for damages or compensation for any dog or cat humanely euthanized under the provisions of this by-law and no such damages or compensation shall be paid to any person.

PART X - PENALTY

30. If any Section, Subsection, Clause or Paragraph of this by-law is, for any reason, held invalid, such portion shall be deemed separate, distinct and independent and such holding shall not affect the validity of the by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

31.

(1) Any person who contravenes subsection 31(2) is guilty of an offence, the *Municipal Act* S.O. 2001 c. 25, Section 426(2);

(2) Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act* R.S.O. 1990 Chapter P.33 as amended.

PART XI EXEMPTIONS

32. This by-law shall not apply to:

- a) A veterinary hospital clinic, office, or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- b) Premises registered as a research facility in accordance with the *Animals for Research Act*, as amended;
- c) Any person licensed or exempted as an operator of animal supply facility in accordance with the *Animals for Research Act*, as amended, or the employees of such facility, during the course of their duties;
- d) Any dog owned, possessed or harboured by the Timmins Police Service, Ontario Provincial Police, Royal Canadian Mounted Police or any other local police or other governmental enforcement agency.
- e) Any registered breeder whom is licensed with a City of Timmins business license in accordance with the zoning by-law

PART XII GENERAL

33. This by-law may be referred to as the Animal Control By-law.

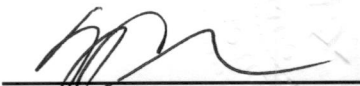
34. By-law Numbers 2004-6014 and 2005-6220 and amendments thereto are repealed effective the date that this by-law takes full force and effect.

READ a first and second time this 10th day of August, 2021.

READ a third and final time and enacted and passed this 10th day of August, 2021.



MAYOR (George Pirie)



CLERK (Steph Palmateer)

**SCHEDULE 'I'
CITY OF TIMMINS
BY-LAW 2020-8488**

**CLERK'S DEPARTMENT/BY-LAW ENFORCEMENT
ANIMAL CONTROL FEES**

SERVICES	2021	2022	2023	2024	2025
License					
1 st Altered Dog/Cat	\$35	\$35	\$35	\$35	\$35
Each Additional Altered Dog/Cat	\$35	\$35	\$35	\$35	\$35
1 st Non-Altered Dog/Cat	\$60	\$60	\$60	\$60	\$60
Each Additional Non-Altered Dog/Cat	\$60	\$60	\$60	\$60	\$60
Replacement Tags	\$20	\$20	\$20	\$20	\$20
Change of Ownership	\$20	\$20	\$20	\$20	\$20
Transfer of License from Another Municipality	\$20	\$20	\$20	\$20	\$20
Impound Fees					
Licensed Dog Impounded					
1 st Time	\$45	\$45	\$45	\$45	\$45
Any Subsequent Time	\$125	\$125	\$125	\$125	\$125
Unlicensed Dog Impounded					
1 st Time	\$125	\$125	\$125	\$125	\$125
Any Subsequent Time	\$125	\$125	\$125	\$125	\$125
Daily Maintenance Fee	\$25	\$25	\$25	\$25	\$25
Licensed Cat Impounded					
1 st Time	\$20	\$20	\$20	\$20	\$20
Any Subsequent Time	\$65	\$65	\$65	\$65	\$65
Unlicensed Cat Impounded					
1 st Time	\$65	\$65	\$65	\$65	\$65
Any Subsequent Time	\$65	\$65	\$65	\$65	\$65
Daily Maintenance Fee	\$20	\$20	\$20	\$20	\$20
Euthanasia					
Euthanasia at request of owner	\$70	\$70	\$70	\$70	\$70
Take Possession					
Owner request City take possession	\$60	\$60	\$60	\$60	\$60
Owner request pick up	\$60	\$60	\$60	\$60	\$60
Non Resident owner request take possession	\$90	\$90	\$90	\$90	\$90

THE CITY OF TIMMINS

BY-LAW No. 2021-8593

Being a by-law for the licensing, registration, regulation and control of cats and dogs and for the determination of the compensation to be allowed for impounding, distraining and detaining of cats and dogs within the City of Timmins

WHEREAS Section 10(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

WHEREAS Section 10(2) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that a single-tier municipality may pass by-laws respecting the following matters:
(9) Animals.

WHEREAS Section 11(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4)

WHEREAS Section 11(3) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction:
(9) Animals

WHEREAS Section 103(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law; and
- (b) the sale of impounded animals,
 - (i) if they are not claimed within a reasonable time,
 - (ii) if the expenses of the municipality respecting the impounding of the animals are not paid, or
 - (iii) at such time and in such manner as is provided in the by-law.

WHEREAS Section 105(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that if a municipality requires the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement.

(2) An exemption may be granted subject to such conditions as council considers appropriate

WHEREAS Section 128(1) of the Municipal Act, S.O. 2001, Chapter M. 25 and amendments thereto provides that without limiting sections 9, 10 and 11, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.

(2) The opinion of council under this section, if arrived at in good faith, is not subject to review by any court.

NOW THEREFORE the Council for the Corporation of the City of Timmins enacts as follows.

PART I - DEFINITIONS

1. For the purposes of this by-law,

“Animal” shall have the same meaning as “cat” or “dog” as described in this by-law and shall be interchangeable and shall have the same meaning whether referred to in the singular or plural as the case may be within the by-law;

“Animal Control Officer” means any person appointed by the Council for the City of Timmins pursuant to Section 15 of the Police Services Act to enforce the provisions of this By-law;

“Appeal Committee” means the Committee of Adjustment as designated by the City of Timmins for the purpose of this by-law for hearing appeals following the issuance of a Dangerous Dog Notice;

“At large” means to be found in any place other than the premises of the owner of the cat and not under the control of any person by way of a leash of a maximum length of two (2) meters held by a person, or when a cat is not on a leash which is securely affixed to some permanent structure from which the cat cannot escape;

“cat” means a feline over the age of six weeks of any breed of domesticated cat or crossbreed-domesticated cat

“Certificate” means a certificate, confirmation or other report, in writing, of a veterinary surgeon evidencing that a particular dog therein identified has been spayed or neutered; it also means a certificate of insurance from an insurer;

“City” means The Corporation of the City of Timmins;

“Dangerous Dog” includes any of the following:

- a) a dog that, in the absence of any mitigating factor has attacked, bitten, or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so,
- b) a dog that, in the absence of any mitigating factor, has significantly injured a domestic animal,
- c) a dog, previously designated as a potentially dangerous dog, that is kept or permitted to be kept by its Guardian in violation of the requirements of such dog,
- d) a dog that is attack trained, or
- e) means a dog that is kept for the principal purpose of security or protection, whether residential, commercial or industrial, of persons or property;

“Dog” means a domesticated canine animal, male or female, two months of age and older, but does not include a guide dog within the meaning of the *Blind Persons Act*, as amended, or a Police Work Dog;

“Domestic Animal” means an animal that has been tamed and kept by humans as a work animal, food source, or pet

“Owner” includes a person who possesses, harbors or somebody who regularly feeds a cat or Dog and who is eighteen years of age or over and “Owns” and “Owner” have a corresponding meaning

“Dwelling” or “Dwelling Unit” means a premises or any part thereof occupied as living accommodation and includes the lot used in conjunction with it;

“Guardian” means any person, partnership, association or corporation that owns, keeps, possesses or harbors a cat or dog or cats or dogs or a combination of both cats and dogs and “own”, “owns,” or “owned” have a corresponding meaning and where the Guardian is a minor means the parent, guardian or person having custody of the minor;

“Harbor” means having care, custody or control of a dog;

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place and bridge, designed and intended for use by the general public for the passage of vehicles and persons;

“Leash” means a chain rope or other device used to restrain a dog, affixed to a collar and of not more than one and one-half metres in length;

“Licence” means a licence issued by the Issuer or their designate;

“Licence Agent” means an agent as designated by the Licence Issuer authorized to sell licences;

“Licence Issuer” means the Manager of By-law Services and includes any person or organization authorized by the Manager to accept dog registrations and issue dog licences;

“Supervisor of By-law Services” means the person designated by the City of Timmins to manage By-law Services.

“Microchip” means an encoded electronic device implanted in an animal by or under the supervision of a veterinarian, which contains a unique code number that provides owner information that is stored in a central database;

“Mitigating Factor” means a circumstance that excuses aggressive behavior of a dog and without limiting the generality of the foregoing, may include circumstances where:

- a) the dog was, at the time of the aggressive behavior, acting in defense to an attack from a person or a domestic animal,

- b) the dog was, at the time of the aggressive behavior, acting in defense of its young or reacting to a person or domestic animal trespassing on the property of its Guardian,
- c) the dog was at the time of the aggressive behavior, being teased, provoked or tormented;

“Municipal Law Enforcement Officer” means a municipal by-law enforcement officer appointed under Section 15 of the Police Services Act by the City of Timmins and shall include any person appointed as an Animal Control Officer by the City for the purposes of this by-law;

“Municipality” means the City of Timmins;

“Municipal Pound” means a pound maintained by or on behalf of the City of Timmins;

“Municipal Property” means property other than a highway;

“Muzzle” means a humane fastening or covering device placed over a dog’s mouth and of sufficient strength to prevent the dog from biting;

“Photograph” means a picture or likeness obtained by film or digital camera for the purpose of physical identification;

“Potentially Dangerous Dog” means a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its Guardian, in a menacing fashion or apparent attitude of attack, including, but not limited to, behavior such as growling or snarling;

“Pound” means a premises that is used for the detention, maintenance or disposal of dogs that have been impounded pursuant to a by-law of the municipality;

“Pound Keeper” means a person or organization responsible for maintaining the pound on behalf of the Municipality for the purpose of enforcing and carrying out the provisions of this by-law;

“Premises” means lands, buildings or any structures;

“User Fee By-law” means the by-law enacted to authorize The City of Timmins to establish fees/charges for services provided in the City of Timmins as amended.

PART II – LICENSING

2. (1) Every person who has become the Owner or Guardian of a cat or dog two months of age or older shall obtain a licence for each such cat or dog and pay to the City a licence fee for each such dog in accordance with the provisions of the City of Timmins User Fee By-law Schedule “I” as amended.

(2) A dog used as a guide or for assistance to a disabled person shall be licensed and shall wear the current licence tag. Any person who produces evidence satisfactory to the municipality

- showing that the dog is required as a guide or for assistance by a disabled person shall be exempt from paying the licence fee.
- (3) The Owner or Guardian shall renew the licence for every cat or dog annually with the municipality.
- (4) Every licence issued pursuant to this by-law shall expire on the 31st day December in the year in which the licence was purchased.
3. (1) Every licence issued pursuant to this by-law shall be in the form of a cat or dog tag.
- (2) Every licence shall bear a serial number and the year sold.
- (3) When a cat or dog is off the property of the Owner or Guardian the Owner or Guardian shall cause the cat or dog to wear around the neck a collar to which shall be attached the current licence tag issued for that cat or dog by the municipality.
4. (1) A person claiming entitlement to a lower cat or dog licence fee on the basis that the cat or dog in question has been spayed or neutered, shall produce a Certificate to the Issuer verifying such claim.
- (2) No person shall produce to the Licence Issuer a Certificate respecting a cat or dog other than the cat or dog for which the Certificate was issued.
5. (1) The licence fee to be paid to the Licence Issuer at the time of the issuance of the licence shall be in accordance with the City of Timmins User Fee By-law Schedule "I".
- (2) The fee charged for the replacement of a current lost tag shall be in accordance with the City of Timmins User Fee By-law Schedule "I".
- (3) If there is a change of ownership of a cat or dog during the licence year, the Owner or Guardian shall notify the Licence Issuer immediately of the change of ownership and the new Owner or Guardian shall pay a licence transfer fee in accordance with the City of Timmins User Fee By-law Schedule "I" for this service to the Licence Issuer.
- (4) Where a person who is the Owner or Guardian of a cat or dog, becomes a resident in the City of Timmins and is in possession of a valid cat or dog licence issued by another municipality, an application shall be made to the Licence Issuer for a licence pursuant to this by-law and a licence shall be issued upon the following conditions:
- (a) payment of the licence fee in accordance with the City of Timmins User Fee By-law Schedule "I",
- (b) surrender of the dog licence issued by the other municipality.
- (5) The Licence Issuer is hereby authorized to designate such Licence Agents as may be required from time to time to sell licences, provided however, that a Licence Agent shall be entitled to a commission of Two Dollars (\$2.00) for each licence sold.

PART III KEEPING OF CATS AND DOGS

6. (1) No person shall keep more than 6 domestic cats or 4 domestic dogs on the premises of any single-family dwelling unit.

(2) Where there is more than 1 dwelling unit on a parcel of land no person shall keep more than 2 cats or dogs per dwelling unit.

PART IV – RUNNING AT LARGE

7. (1) No Owner or Guardian shall permit any cat or dog to run at large in the City of Timmins.

(2) Every owner or guardian shall keep a dog on a leash or under the direct control of a competent person. For the purpose of this By-law, a cat or dog shall be deemed to be running at large if found in any place other than the premises of the Owner or Guardian and not on a leash and/or under the direct control of a competent person.
8. (1) Any cat or dog found running at large shall be seized, impounded, sold, redeemed or humanely euthanized as provided for in this by-law.

(2) Any cat or dog found on private property shall, upon request of the Owner or occupant of such private property, be seized and impounded as provided for in this by-law.

(3) The Animal Control Officer or Municipal Law Enforcement Officer may enter any land without the consent of a Guardian or owner in pursuit of any cat or dog that has been observed running at large. Where the Guardian or owner of the land is not present to claim the cat or dog, the Animal Control Officer may seize the cat or dog as a cat or dog found running at large.

(4) No persons shall release a cat from a trap set by an Animal Control Officer.

PART V – MUZZLING, LEASHING AND CONTAINMENT OF DOGS

9. No Owner or Guardian shall permit their dog to bite or attack without provocation a person or domestic animal.
10. (1) Every Owner or Guardian, when their dog is on the property of the Owner or Guardian or on the property of some person with such person's consent, shall keep their dog from leaving the property on its own, by means of:
 - a) Enclosure,
 - b) Containment within a fenced area, or
 - c) Physical restraint of the dog by a chain or other similar device.
(2) Notwithstanding section 10(1) when such dog is on the property of the Owner or Guardian or on the property of some other person such person's consent and where such lands are zoned and used for agricultural purposes, the Owner or Guardian may keep the dog from leaving such property on its own by any reasonable means.
11. (1) When an Animal Control Officer, Municipal Law Enforcement Officer or Police Officer designates a dog as a Potentially Dangerous Dog, the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer shall serve a Potentially Dangerous Dog Notice and upon receipt, the Owner or Guardian shall comply with such of the following requirements deemed necessary by the Officer:

- (a) To keep such dog, when it is on the property of the Owner or Guardian, confined:
 - i. within the Owner or Guardian's dwelling, or
 - ii. in a securely enclosed pen of sufficient dimension and strength to be a humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the Owner or Guardian of the dog; and
 - iii. the pen or structure shall not be within one (1) meter of the property line or within three (3) meters of a neighboring dwelling unit, or
 - iv. if not confined under subparagraphs (i), and (ii) above, to keep such a dog on a leash and under control of the Guardian;
 - (b) to keep such dog, when it is on the property of another person with that person's consent, on a leash and under the control of that person who is eighteen years of age or more;
 - (c) to securely attach a Muzzle to such a dog at all times when it is not on the property of the Owner or Guardian or not on the property of another person who is eighteen years of age or more;
 - (d) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 per incident for any damage or injury caused by such Potentially Dangerous Dog and to provide to the Animal Control Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Manager of By-law Services should the policy expire, be cancelled or be terminated for any reason;
 - (e) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Owner or Guardian's expense, for the purpose of identifying such dog as a potentially dangerous dog;
 - (e) To restrain the potentially dangerous dog in accordance written directives which may be given by the Animal Control Officer, Municipal Law Enforcement Officer or a Police Officer.
 - (f) Owner or guardian of Potentially Dangerous Dog or Dangerous Dog must comply to all written directions in the notice within 30 days of issuance of notice.
12. (1) If an Animal Control Officer, Municipal Law Enforcement Officer or Police Officer designates a dog as a Dangerous Dog, the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer shall serve a Dangerous Dog Notice upon the Owner or Guardian. Every Owner or Guardian, upon receipt of such notice shall comply with such of the following requirements :
- (a) to keep such dog confined;
 - i. within the Owner or Guardian's dwelling; or

- ii. in an enclosed pen of sufficient dimension and strength to be a humane shelter for the dog and to prevent the dog from coming in contact with or making a real and substantial threat of attack on a person other than the Owner or Guardian of the dog. Such dog may not be chained as means of confinement,
 - iii. the pen or structure shall not be within one (1) meter of the property line or within three (3) meters of a neighboring dwelling unit,
- (b) to conspicuously display at each entrance to their property a sign in writing, as well as with a symbol, warning that there is a dangerous dog on the property. This sign shall be visible from the roadway or thoroughfare;
- (c) to securely attach a Muzzle to such a dog at all times when it is not confined in accordance with section 12(1)(a);
- (d) to obtain and maintain in force a policy of public liability insurance issued by an insurer licensed by the Province of Ontario providing third party liability coverage in an amount of not less than \$1,000,000.00 per incident for any damage or injury caused by such Dangerous Dog and to provide to the Animal Control Officer or Police Officer a Certificate of such policy and each subsequent renewal of it. Such policy shall contain a provision requiring the insurer to immediately notify the Manager of By-law Services should the policy expire, be cancelled or be terminated for any reason;
- (e) to permit the Animal Control Officer to have a veterinarian insert a microchip implantation in such dog, at the Guardian's expense, for the purpose of identifying such dog as a Dangerous Dog;
- (f) To restrain the Dangerous Dog in accordance with any written directives which may be given by the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer.

13. (1) The notices referred to in Sections 11(1) and 12(1) hereof shall include:

- (a) a statement that the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer has reason to believe that the dog is a Potentially Dangerous Dog or a Dangerous Dog, as the case may be;
- (b) the requirements that the Owner or Guardian must comply with in accordance with sections 11(1) or 12(1) and when such requirements take effect; and
- (c) a statement that the Owner or Guardian may request, within three working days of receipt of the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer's notice, and is entitled to, a hearing by the Appeal Committee that may affirm or rescind the Animal Control Officer's, Municipal Law Enforcement Officer's or Police Officer's designation of the dog as a potentially dangerous dog or a dangerous dog, as the case may be and may substitute its own designation or its own requirements of the Owner or Guardian of a potentially dangerous dog pursuant to subsection 11(1)(a) through (f) or a dangerous dog pursuant to subsection 12(1)(a) through (f).

14. (1) If an Owner or Guardian receives notice from the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer designating their dog to be a potentially dangerous dog or a dangerous dog, and so requests in writing to the Clerk within three working days of receipt of such notice, the Appeal Committee shall hold a hearing pursuant to the provisions of the *Statutory Powers Procedure Act* within 30 working days of the Clerk's receipt of the request for a hearing and may:
 - (a) affirm or rescind the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer's designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
 - (b) substitute its own designation of the dog as a potentially dangerous dog or as a dangerous dog, as the case may be;
 - (c) substitute its own requirements of the Owner or Guardian of a potentially dangerous dog pursuant to section 11(1)(a) through (f);
 - (d) substitute its own requirements of the Owner or Guardian of a dangerous dog pursuant to section 12.1(a) through (f).
15. An Animal Control Officer, Municipal Law Enforcement Officer or Police Officer may either on their own initiative or as a result of a complaint received by them from conduct an inquiry into whether a dog should be designated a potentially dangerous dog or as a dangerous dog, as the case may be;
16. The requirements of sections 11(1)(d) and (e) and 12(1) (d) and (e) that may be imposed on an Owner or Guardian by the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer pursuant to each subsection shall not be required to be effected until the earlier of the time for appeal under section 14 has elapsed with a request for a hearing pursuant to that section being received by the Clerk, or the hearing under section 14 has been duly requested and a determination has been made by the Appeal Committee.
17. (1) Every Owner or Guardian whose dog has been designated a potentially dangerous dog or a dangerous dog pursuant to this by-law shall advise the Supervisor of Enforcement Services immediately if they transfer guardianship of such dog to another person or changes the address at which such dog is kept and shall furnish the Supervisor of Enforcement Services with particulars of the name and address of the new Owner or Guardian or the new address at which the potentially dangerous dog or dangerous dog is kept.

(2) A Dangerous Dog Notice served upon and being enforced on the Owner or Guardian who owned the dog at the time of service shall be deemed to have been served and is enforceable on the new Owner or Guardian of the dog. The new Owner or Guardian shall be required to comply with the requirements as set out in the Dangerous Dog Notice served upon the original owner of the dog.
18. Any notices served by the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer or requests for hearings made by an Owner or Guardian pursuant to this by-law shall be provided by hand delivery or prepaid registered mail and, in event of service by prepaid registered mail, shall be deemed received on the fifth business day after the date of mailing.

19. Notwithstanding section 23 where a potentially dangerous dog or a dangerous dog has been impounded for any reason, the Animal Control Officer or pound keeper shall not restore that dog to its Owner or Guardian or to any other person unless the Animal Control Officer, Municipal Law Enforcement Officer or Police Officer is satisfied that the person to whom the dog is to be restored is aware of and is compliance with the provisions of sections 11(1) and 12(1) as the case may be. All fees otherwise payable to the Animal Control Officer upon restoration of an impounded dog are payable by the Owner or Guardian of a potentially dangerous dog or dangerous dog for any length of time it may be held in the pound pursuant to this section.
20. If the Owner or Guardian of a potentially dangerous dog or dangerous dog that has been impounded is unable to demonstrate compliance with the provisions of sections 11 and 12 as the case may be to the reasonable satisfaction of the Animal Control Officer or refuses to do so, the Animal Control Officer after a reasonable period of time, may sell or otherwise dispose of the dog in accordance with this by-law.
21. The municipality shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in section 11(1) and 12(1).

PART VI - IMPOUNDMENT

22. (1) An Animal Control Officer, Municipal Law Enforcement Officer, Pound Keeper or Police Officer shall seize and impound every cat or dog found,
 - (a) running at large contrary to the provisions of this by-law,
 - (b) on private property, where requested to do so by the Owner or occupant of such private property.
- (2) The Animal Control Officer and Pound Keeper shall make all reasonable efforts to identify and contact the owner of every stray cat or dog received.
23. (1) Where a cat or dog has been seized or impounded pursuant to the provisions of Section 22, the Owner or Guardian of the cat or dog may redeem such cat or dog within five (5) days exclusive of Saturdays, Sundays and statutory holidays.
 - (2) After the expiration of the redemption period, the Pound Keeper where a cat or dog has been impounded pursuant to this by-law may keep, sell or dispose of the cat or dog, subject to the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A. 22, as amended. The Pound Keeper shall ensure that a purchaser living within the City first obtains a licence.
 - (3) Where the Owner or Guardian of the cat or dog has signed a consent and indemnity form releasing the cat or dog to the City of Timmins the animal becomes the property of the City of Timmins and the City of Timmins may at its discretion keep, sell or dispose of the animal.
 - (4) Where in the opinion of a Veterinarian or the pound keeper, a cat or dog seized or impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the animal may be euthanized humanely.
24. Where a cat or dog has been impounded for biting, and the City is required by any Act to impound a cat or dog for a determined period, the Owner or Guardian prior to release of the cat

or dog shall pay a maintenance fee for each day the animal was impounded as set out in accordance with the City of Timmins User Fee By-law Schedule "I".

PART VII FEES

25. (1) Where the Owner or Guardian of a cat or dog has requested that the City of Timmins take possession of the said animal the Owner or Guardian shall be subject to the fees in accordance with the City of Timmins User Fee By-law Schedule "I".
- (2) When the Animal Control Officer is requested to pick-up an animal at the Owner's or Guardian's residence for the purpose of releasing the animal to the City of Timmins, the charge for a home the pick-up shall be subject to the fees in accordance with the City of Timmins User Fee By-law Schedule "I".
- (3) Where the Owner or Guardian has requested that the City of Timmins take possession of their animal under Subsection (1) the owner shall sign a consent and indemnity form provided by the Animal Control Officer or Pound Keeper prior to the Animal Control Officer or Pound Keeper accepting said animal.
- (4) Where the Owner or Guardian of an animal is not a resident of the City of Timmins and it is their wish that the City of Timmins take possession of their animal the Owner or Guardian shall sign a consent and indemnity form provided by the Animal Control Officer or Pound Keeper prior to the Animal Control Officer or Pound Keeper accepting said animal and the charges shall be subject to the fees in accordance with the City of Timmins User Fee By-law Schedule "I".
26. (1) The Pound Keeper shall not accept any animal being released to the City of Timmins by a Guardian without first viewing 1 piece of identification confirming the identity of the Guardian satisfactory to the Pound Keeper.
- (2) The Pound Keeper shall not accept any animal being released to the City of Timmins by a Guardian until such time as the prescribed fees have been paid in accordance with Section 25 of this By-law.
27. (1) Where a cat or dog is seized and impounded under authority of this by-law, the Owner or Guardian, if known and whether the cat or dog is claimed from the pound or not, shall be liable for the pound maintenance fees prescribed and shall pay all fees on demand by the Animal Control Officer, Municipal Law Enforcement Officer or Pound Keeper or its Agent.
- (2) The Pound Keeper may release an impounded cat or dog to its owner:
- a) if the owner claims possession of the cat or dog within five (5) working days after the date of seizure and impounding; and
- b) where on application to the Pound Keeper or an Animal Control Officer and proving their ownership and being satisfied that the Owner or Guardian is in receipt of a licence for the current year from the Licence Issuer and upon payment of pound fees as follows:
- i) When a cat or dog is wearing a current licence and the animal has not been picked up since the purchase of the said licence the animal shall be returned to the Owner or Guardian at no charge.

ii) When the Owner or Guardian is in possession of a current licence when the animal is seized or impounded however the animal is not wearing the said licence, at the time of pick up, the Owner or Guardian shall be subject to a pound fee in accordance with the City of Timmins User Fee By-law Schedule "I"

iii) When a licensed animal is seized or impounded on a second occasion since the purchase of the licence and any subsequent occasion during the current year of the licence and whether the animal is wearing the licence or not, the Owner or Guardian will be subject to a pound fee in accordance with the City of Timmins User Fee By-law Schedule "I".

iv) At any time that an unlicensed animal is seized or impounded the Owner or Guardian of the said animal will be subject to a pound fee in accordance with the City of Timmins User Fee By-law Schedule "I".

v) In all circumstances list in (i) to (iv) the Owner or Guardian shall pay a boarding fee in accordance with the City of Timmins User Fee By-law Schedule "I",

vi) any veterinary fees incurred for the animal by the City of Timmins, and,

(vii) When an animal has been impounded for biting, and the City of Timmins is required by any Act to impound an animal for a determined period, prior to releasing the animal to the Owner or Guardian, the Owner or Guardian shall be pay a boarding fee as in accordance with the City of Timmins User Fee By-law Schedule "I" for each overnight stay the animal was cared for at the pound.

PART VIII - POOP & SCOOP

28. Every Owner or Guardian not being a blind person or disabled person shall immediately remove and dispose on any excrement left by their dog.

PART IX – COMPENSATION

29. The City, its employees, agents and servants and the Animal Control Officer shall not be liable for damages or compensation for any dog or cat humanely euthanized under the provisions of this by-law and no such damages or compensation shall be paid to any person.

PART X - PENALTY

30. If any Section, Subsection, Clause or Paragraph of this by-law is, for any reason, held invalid, such portion shall be deemed separate, distinct and independent and such holding shall not affect the validity of the by-law as a whole or any part thereof, other than the provisions so declared to be invalid.

31.

(1) Any person who contravenes subsection 31(2) is guilty of an offence, the *Municipal Act* S.O. 2001 c. 25, Section 426(2);

(2) Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act* R.S.O. 1990 Chapter P.33 as amended.

PART XI EXEMPTIONS

32. This by-law shall not apply to:

- a) A veterinary hospital clinic, office, or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
- b) Premises registered as a research facility in accordance with the *Animals for Research Act*, as amended;
- c) Any person licensed or exempted as an operator of animal supply facility in accordance with the *Animals for Research Act*, as amended, or the employees of such facility, during the course of their duties;
- d) Any dog owned, possessed or harboured by the Timmins Police Service, Ontario Provincial Police, Royal Canadian Mounted Police or any other local police or other governmental enforcement agency.
- e) Any registered breeder whom is licensed with a City of Timmins business license in accordance with the zoning by-law

PART XII GENERAL

33. This by-law may be referred to as the Animal Control By-law.

34. By-law Numbers 2004-6014 and 2005-6220 and amendments thereto are repealed effective the date that this by-law takes full force and effect.

READ a first and second time this 10th day of August, 2021.

READ a third and final time and enacted and passed this 10th day of August, 2021.

**CERTIFIED TRUE COPY
OF BY-LAW NO. 2021-8593**

**(SGD) GEORGE PIRIE
MAYOR**


CLERK

**(SGD) STEPH PALMATEER
CLERK**

**SCHEDULE 'I'
CITY OF TIMMINS
BY-LAW 2020-8488**

**CLERK'S DEPARTMENT/BY-LAW ENFORCEMENT
ANIMAL CONTROL FEES**

SERVICES	2021	2022	2023	2024	2025
License					
1 st Altered Dog/Cat	\$35	\$35	\$35	\$35	\$35
Each Additional Altered Dog/Cat	\$35	\$35	\$35	\$35	\$35
1 st Non-Altered Dog/Cat	\$60	\$60	\$60	\$60	\$60
Each Additional Non-Altered Dog/Cat	\$60	\$60	\$60	\$60	\$60
Replacement Tags	\$20	\$20	\$20	\$20	\$20
Change of Ownership	\$20	\$20	\$20	\$20	\$20
Transfer of License from Another Municipality	\$20	\$20	\$20	\$20	\$20
Impound Fees					
Licensed Dog Impounded					
1 st Time	\$45	\$45	\$45	\$45	\$45
Any Subsequent Time	\$125	\$125	\$125	\$125	\$125
Unlicensed Dog Impounded					
1 st Time	\$125	\$125	\$125	\$125	\$125
Any Subsequent Time	\$125	\$125	\$125	\$125	\$125
Daily Maintenance Fee	\$25	\$25	\$25	\$25	\$25
Licensed Cat Impounded					
1 st Time	\$20	\$20	\$20	\$20	\$20
Any Subsequent Time	\$65	\$65	\$65	\$65	\$65
Unlicensed Cat Impounded					
1 st Time	\$65	\$65	\$65	\$65	\$65
Any Subsequent Time	\$65	\$65	\$65	\$65	\$65
Daily Maintenance Fee	\$20	\$20	\$20	\$20	\$20
Euthanasia					
Euthanasia at request of owner	\$70	\$70	\$70	\$70	\$70
Take Possession					
Owner request City take possession	\$60	\$60	\$60	\$60	\$60
Owner request pick up	\$60	\$60	\$60	\$60	\$60
Non Resident owner request take possession	\$90	\$90	\$90	\$90	\$90

Keshia Horbul

From: Keshia Horbul
Sent: Wednesday, August 11, 2021 10:26 AM
To: Sherry Laneville
Subject: 2021-8593-Repeal 2004-6014 & 2005-6220 re: Licensing, Registration and Regulation and Control of Cats and Dogs
Attachments: 2021-8593-Repeal 2004-6014 & 2005-6220 re_ Licensing, Registration and R....pdf

Good day,

Attached please find the above noted by-law that was approved by Council.

Thank you.

Keshia Horbul
Clerk Co-ordinator
City of Timmins
Ph: 705-360-2600 Ext. 2467



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

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



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

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

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

September 17, 2021

Ms. Sherry Laneville
Supervisor Enforcement Services
City of Timmins
220 Algonquin Blvd., East
Timmins, Ontario, P4N 1B3

Dear Ms. Laneville:

Re: Set Fines – Provincial Offences Act – Part I
City of Timmins, Cochrane District

Enclosed herewith is a copy of an Order and copy of a schedule of set fines for By-law No. 2021-8593, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the City of Timmins.

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

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

Yours truly,

A handwritten signature in cursive script 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 Nathalie Breton, Justice of the Peace

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

September 17, 2021

Ms. Devyani Anandjit
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M5G 2S9

Dear Ms. Anandjit:

Re: Set Fines - Provincial Offences Act - Part I
City of Timmins, Cochrane District

Please find enclosed a copy of an Order dated September 17, 2021, and a copy of a letter to Ms. Laneville on behalf of the City of Timmins.

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

Yours truly,

A handwritten signature in cursive script that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Enclosures

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
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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. 2021-8593, of the City of Timmins, Cochrane District, attached hereto is the set fine for those Offences. This Order is to take effect October 1st, 2021.

Dated at the City of Greater Sudbury, this 17th day of September, 2021.

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

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

DOG & CAT SET FINES

BY-LAW 2021-8593

THE CORPORATION OF THE CITY OF TIMMINS PART 1 *Provincial Offences Act*

BY-LAW NO. 2021-8593 Being a by-law for licensing, registration, regulation and control of dogs and cats in the City of Timmins.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Fail to obtain a dog/cat license	Section 2(1)	\$ 90.00
2	Fail to renew a dog/ cat license	Section 2(3)	\$ 90.00
3	Fail to attach a current dog/ cat license to a dog/cat	Section 3(3)	\$ 50.00
4	Guardian fail to notify License Issuer of change of ownership	Section 5(3)	\$ 50.00
5	Keep more than 4 dogs on premises of single family dwelling	Section 6(1)	\$ 145.00
6	Keep more than 6 cats on premise of single family dwelling	Section 6(1)	\$ 145.00
7	Keep more than 2 dogs/ cats in a dwelling unit where there multiple dwelling units on the parcel of land	Section 6(2)	\$ 145.00
8	Permit dog/cat to run at large	Section 7(1)	\$ 90.00
9	Guardian fail to have dog/cat under leash/control when found off premises	Section 7(2)	\$ 90.00
10	Release cat from trap other than animal control officer	Section 8(4)	\$ 90.00
11	Permit a dog to bite a person or domestic animal	Section 9	\$ 245.00
12	Permit a dog to attack a person or domestic animal	Section 9	\$ 245.00
13	Fail to comply to a Dangerous dog notice issued to a guardian of a potentially dangerous dog	Section 11(1)	\$ 295.00
14	Fail to comply to a dangerous dog notice issued to a guardian of a dangerous dog	Section 12(1)	\$ 395.00

K. Hirsch

THE CORPORATION OF THE CITY OF TIMMINS
PART 1 *Provincial Offences Act*

BY-LAW NO. 2021-8593 Being a by-law for licensing, registration, regulation and control of dogs and cats in the City of Timmins.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
15	Fail to notify Manager of By-law Services of transfer of guardianship of a dog designated a potentially dangerous dog	Section 17(1)	\$ 195.00
16	Fail to notify Manager of By-law Services of transfer of guardianship of a dog designated as a dangerous dog	Section 17(1)	\$ 245.00
17	Fail to remove excrement left by a dog /cat	Section 28	\$ 150.00

NOTE: The penalty provision for the offences indicated above is section 31 of By-law 2021-8593, a certified copy of which has been filed.

K. Kricho