



Corporate By-law

By-law Number 078-2005

AUTHOR: Jody Kondrat, Supervisor - Animal Services
Licensing & Enforcement, Development Services

SUBJECT: A By-law to Regulate Animals

MEETING DATE: City Council - July 12, 2005

Authorization: Report 2004.269, (Licensing & Enforcement), Committee of the Whole, November 15, 2004



THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER 078-2005

Recitals:

1. By-law 22-1995, being a By-law respecting the owners of animals, has been adopted as Chapter 237 of the City of Thunder Bay Municipal Code, and later amended by By-law 195-2000.

2. Council has resolved to amend Chapter 237 of the City of Thunder Bay Municipal Code as adopted by By-law Number 231-1996 and determined by resolution of Committee of the Whole on November 15, 2004.

THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. The title to Chapter 237 being “Animal – Regulation” is repealed and the title “Responsible Pet Owners By-law” is substituted.
2. Article 1 - “Interpretation” is amended by adding the following definitions, to be inserted using the following paragraph numbers:

237.1.12 “Microchipped” describes an animal into which a computer chip has been inserted, which computer chip bears the animal’s licence information, including the identification of the animal’s owner.

237.1.13 "Muzzle" is a humane device designed to fit over the mouth of a dog to prevent the dog from biting.

237.1.14 "Muzzled” describes a dog wearing a Muzzle in the manner anticipated by the manufacturer of the Muzzle.

237.1.15 “Obedience Training” means training of an animal at an accredited training facility or one which is acceptable to the Supervisor.

237.1.16 "Restraint Order" is an Order issued in accordance with Section 237.3A.1 of this By-law.

237.1.17 "Restrained" shall have different meanings, depending on the location of the dog for which the Restraint Order has been issued. Where "Restrained" is used in connection with circumstances when the dog is on its owner's property, the term means:

- (a) Kept indoors in a manner respective of its environmental needs which prevents contact with persons who have not consented to contact; or

(b) Kept outdoors in a pen or another enclosure respective of its environmental needs which prevents the dog from:

a. Leaving the owner's property, and

b. Coming into contact with persons who are not on the owner's property.

Where "Restrained" is used in connection with circumstances when the dog is at a place other than its owner's property, it means that the dog shall be Muzzled, leashed, Microchipped, and under the control of a person of a least 16 years of age.

237.1.18 "Supervisor" means the Supervisor of the Animal Services Section of the Corporation's Development Services Department, or his or her designate.

3. The following new Article is to be inserted after Article 3 - "Running at Large" and before Article 4 - "Kennel - Regulation":

237.3A.1 Restraint Orders

The Supervisor shall investigate any incident which has been reported to the Animal Services section of the Development Services Department involving allegations that a dog demonstrated excessive or unprovoked aggression, whether or not the incident involved a dog bite. Where the Supervisor is satisfied that a dog has demonstrated excessive or unprovoked aggression, he or she may impose a Restraint Order with respect to that dog. Restraint Orders may be issued on a permanent or temporary basis and may be subject to conditions considered appropriate by the Supervisor. For example, a Restraint Order may require that the owner enroll the animal for Obedience Training, and that, upon proof of successful completion of that Obedience Training, some or all of the conditions, or the Restraint Order itself, may be terminated.

237.3A.2 Service of Restraint Orders

Where a Restraint Order has been issued, the owner of the dog shall be provided with a copy of the order. Wherever possible, the owner shall be personally handed a copy of the Restraint Order. However, where it is impractical to hand deliver the Restraint Order, it may be served on the owner by ordinary, first class,

prepaid mail. In circumstances here the Restraint Order is mailed to the dog owner, it is deemed to have been received by that person on the fifth (5th) business day after the date on which it was mailed.

237.3A.3 Appeal of Restraint Order

The owner of a dog that is the subject matter of a Restraint Order may apply to the Corporation for a hearing as to whether or not the Restraint Order, or any conditions applied to the Restraint Order, should be amended or revoked. An application for a hearing shall be filed with the City Clerk within ten (10) business days of the date of service of the Order. Unless and until the Order is amended or revoked by the Corporation after a hearing, it is considered to be in full force and effect, excepting any requirement to have an animal Microchipped, as originally issued. (Where a Restraint Order is appealed, any requirement to have an animal Microchipped does not come into effect until the Restraint Order has been confirmed after the hearing.)

237.3A.4 Animal Services Committee

The Corporation delegates the authority for the holding of a hearing, and the making of decisions under Section 237.3A.3 to the Corporation's Animal Services Committee.

237.3A.5 Offence for Failure to Restrain

It constitutes an offence for the owner of an animal to which a Restraint Order applies to fail to keep the animal Restrained.

237.3A.6 Offence for Failure to Abide by Conditions

Where a Restraint Order is issued upon conditions, it constitutes an offence for the owner of the animal to which the Restraint Order applies to fail to abide by the conditions.

4. The following new Section is to be inserted after Section 237.10.1 - "Fine – for contravention"):

237.10.2 Choice of Legislation

A municipal law enforcement officer investigating circumstances relating to aggressive dogs may choose to lay charges under this By-law or to commence proceedings under the *Dog Owners Liability Act*.

5. This By-law shall come into effect upon the date it is passed.

Enacted and passed this 12th day of July, A.D. 2005 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Lynn Peterson

Mayor

John S. Hannam

City Clerk

Read a First and Second time this 12th day of July, A.D., 2005

Read a Third Time and finally passed this 12th day of July, A.D., 2005