

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 09-23

A BY-LAW TO REGULATE THE KEEPING OF ANIMALS WITHIN THE MUNICIPALITY OF SIOUX LOOKOUT

WHEREAS Section 10(2)(9) of the Municipal Act, 2001, as amended, enables a Single-tier municipality to pass By-laws respecting Animals, being a matter within the spheres of jurisdiction, and

WHEREAS Section 8 of the Municipal Act, 2001, as amended, provides that a By-law under Section 3 respecting a matter may: (a) regulate or prohibit respecting the matter; and (b) as part of the power to regulate or prohibit respecting the matter, require persons to do things respecting the matter, (c) provide for a system of licences, permits, approvals or registration respecting the matter and impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration, and

WHEREAS Section 8(5)(4) of the Municipal Act, 2001, as amended, provides that a By-law under the Municipal Act, except Parts VII to XIII, may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate, and

WHEREAS Section 103 of the Municipal Act, 2001, as amended, provides that a By-law regulating or prohibiting with respect to the being At Large or trespassing of Animals, may provide for the seizure, impounding, and sale, under certain conditions, of such Animals, at such time and in such manner as is provided in the By-law; for the establishment of procedures for the voluntary payment of penalties in such matters; and for the recovery of fines under the Provincial Offences Act, if necessary, and

WHEREAS Section 105 of the Municipal Act, 2001, as amended, relates to muzzling of dogs, Council's powers to hold a hearing regarding exemptions to muzzling, or delegation of that power to a committee of Council or an Officer of the municipality, and

WHEREAS related provisions exist under the Dog Owner's Liability Act, the Pound Act, and the Animals for Research Act, and

WHEREAS Section 128 of the Municipal Act, 2001, as amended, allows a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and

WHEREAS Section 129 of the Municipal Act, 2001, as amended, allows a local municipality to prohibit and regulate with respect to Noise, vibration, odour, dust and outdoor illumination; without limiting Sections 9, 10 and 11.

NOW THEREFORE, the Council of The Corporation of the Municipality of Sioux Lookout ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law:

- 1.1 **Abandoned Animal** – Means an Animal that is found unattended in an Unoccupied Premises, or is left for more than 24 hours without adequate food, water, or Shelter
- 1.2 **Aggressive Dog** -- means any Dog that has attacked or bitten or attempted to attack or Bite a Person or a domestic Animal without provocation, or has a known propensity, history, tendency or disposition to Bite or attack persons or other domesticated Animals without provocation.

- 1.3 **Animal** -- means any member of the Animal kingdom, other than a human.
- 1.4 **Animal Control Officer** – a government worker responsible for enforcing local ordinances regulating Animal ownership and responding to incidents involving Animals.
- 1.5 **At Large** -- an Animal shall be deemed to be running At Large if found in any place other than the Premises of the Owner of the Animal and not under the Control of any Person.
- 1.6 **Bite** – means the breaking, puncturing or bruising of the skin of a Person or Animal, caused by a tooth or teeth of an Animal.
- 1.7 **Cat** – means a male or female Animal of the felid family, neutered or intact, that has been domesticated and is over the age of 12 weeks.
- 1.8 **Control** – means the act of preventing an Animal from creating a hazard to any Person or domestic Animal or damage to any property.
- 1.9 **Council** -- means the Council of The Corporation of the Municipality of Sioux Lookout.
- 1.10 **Corporation or Municipality** -- means The Corporation of the Municipality of Sioux Lookout.
- 1.11 **Custody** -- means temporary or permanent possession of an Animal, with “Custodian” having a corresponding meaning
- 1.12 **Distress** – means the state of being in need of proper care, water, food or Shelter or being injured, sick or in pain, suffering, or is being abused or subject to undue or unnecessary hardship, privation or neglect.
- 1.13 **Dog** – means a male or female Animal of the canine species, neutered or intact, over the age of 12 weeks
- 1.14 **Domesticated Animal** -- means Animals kept by or living with human beings for work or companionship or kept as a Pet. Domestic and domesticate shall have corresponding meanings.
- 1.15 **Dwelling** -- means a building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently.
- 1.16 **Dwelling Unit** – means a combination of rooms in which a kitchen, living quarters and Sanitary conveniences are provided for habitation for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway inside.
- 1.17 **Dwelling, Single Detached** – means a Detached building containing one Dwelling Unit only.
- 1.18 **Dwelling, Multi-Unit** – means a Dwelling containing more than one Dwelling Unit and includes an apartment building, a duplex, a quadruplex, a semi-Detached Dwelling, a townhouse, and a triplex.
- 1.19 **Enclosure** – means an enclosed place for the keeping of Animals and includes but is not limited to bird lofts, bird cages, Dog runs, Dog pens, doghouses, rabbit hutches, chicken runs; however, it does not include a rear yard of a residential property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the rear yard itself.

- 1.20 **Extreme Weather** – means a cold warning, heat warning, or other weather warning alert issued by Environment Canada for weather in the Municipality of Sioux Lookout, including but not limited to, extreme cold or hot weather, snowstorms, freezing rain, heavy rainfall, and or strong winds. Cold temperature reaching -30 degrees Celsius with/without wind chill or +29 degrees Celsius.
- 1.21 **Farm** – means any farming or agricultural use and includes apiaries; aviaries; berry or bush crops; Breeding, raising, training or Boarding of Horses or cattle; commercial greenhouses; Farms devoted to the hatching, raising and marketing of chickens, turkeys, or other fowl or game birds, Animals, fish or frogs; Farms for grazing; flower gardening; field crops; goat or cattle dairies; growing, raising, picking, treating and storing of vegetables or fruit produce produced on the Premises; nurseries; orchards; the raising of sheep or goats; the raising of swine; tree crops; market gardening; bee keeping; wood lots; such uses or enterprises as are customarily carried on in the field of general agriculture not including a specialized Farm as defined. “Farm” includes a Single-family Dwelling house, and such principle or main buildings and structure as a barn or silo, as well as accessory buildings and structures, which are incidental to the operation of the Farm.
- 1.22 **Harbour** -- means to give Shelter or protection to, feed, care for, or have Control over an Animal, indoors or outdoors
- 1.23 **Horse** – means a large, solid-hoofed, herbivorous quadruped (equus caballus), bred in a number of varieties, and used for carrying or pulling loads, for riding, and for racing.
- 1.24 **Kennel** – means an establishment of more than four Animals, excluding Horses, whether or not for profit or gain, and shall include the following:
- 1.24.1 **Boarding Kennel** -- means a place, including buildings and property, where Animals are kept, for a fee, and operated as a commercial business;
- 1.24.2 **Breeding Kennel** -- means a place, including buildings and property, where Animals are kept for the purposes of reproduction and the use of or sale of the offspring, as a hobby or a professional enterprise, and there are no more than two Breeding Animals of no more than two breeds;
- 1.24.3 – **Kennel License** – A licence permitting a premises to be used for the breeding, raising, training, sheltering, or boarding of dogs, cats or other household pets.
- 1.24.4 **Shelter Kennel** – means a place, including building and Premises, where stray or homeless Animals are kept as a service to the community, generally on a non-profit basis by a service organization (i.e. a humane society).
- 1.24.4 **Working Kennel** -- means a place, including buildings and property, where a group of Animals are kept for a specific purpose such as hunting, security, tracking, obedience, rescue, or mushing.
- 1.25 **License** – A document obtained from the Municipality to operate a certain business or possess a certain animal
- 1.26 **Menace** -- means any intimidating, aggressive or threatening behavior towards any Person or Animal, without a Mitigating Factor. Including but not limited to making physical contact, approaching, chasing, growling or snarling. “Menacing” has a corresponding meaning.

- 1.27 **Microchip** – means an electronic device implanted into a Dog or Cat, either by staff of the Municipality or by an authorized agent of the Municipality, that contains a unique code that permits or facilitates access to identification information, including the name and address of the Owner, which is stored in a central database accessible at all times by Officers. “Microchipped” and “Microchipping” shall have corresponding meanings.
- 1.28 **Mitigating Factor** – means any activity engaged in by anyone other than the Owner which, in the opinion of the Animal Control Officer, may be expected to cause an Animal to Bite or Menace a Person, or other Animal engaging in such activity
- 1.29 **Municipal Identification** – means the method of identification, either tag, Microchip, or other means, determined by the Municipality as the required method or methods to be used for the identification of dogs and cats.
- 1.30 **Muzzle** -- shall mean a humane fastening or covering device of adequate strength over the mouth to prevent a Dog from biting. “Muzzled”, “muzzles” or “muzzling” shall have a corresponding meaning.
- 1.31 **Noise** – shall mean the sound made by any Animal which unreasonably disturbs the peace, quiet, comfort or repose of inhabitants
- 1.32 **Officer** -- includes an Animal Control Officer, a Municipal Law Enforcement Officer, a By-law Enforcement Officer, the By-law Enforcement Officer/Clerk or other Person appointed or employed by the Corporation of the Municipality of Sioux Lookout to enforce By-laws of the Corporation, or a Police Officer.
- 1.33 **Owner** – shall mean any Person, group of Persons, partnership or Corporation who possesses or Harbours an Animal, and shall include a Person or Persons who are temporarily the keeper of an Animal, and where the Owner is a minor, the Person responsible for the Custody of the minor. “Own”, “Owns” or “Owned” shall have a corresponding meaning
- 1.34 **Person** – shall mean any individual, partnership, Corporation, business entity, or club to whom the context can apply.
- 1.35 **Pet Store** – shall mean a place of business which sells live Animals as household pets
- 1.36 **Pound** – shall mean such Premises and facilities under the authority of the Pounds Act designated by the Municipality for the purposes of impounding and caring for Animals impounded by the Municipality in violation of this By-law
- 1.37 **Pound Keeper** – shall mean the Person appointed by the Municipality to maintain and administer the Pound, and may include an Animal Control Officer, a Municipal Law Enforcement Officer, a By-law Enforcement Officer, and the By-law Enforcement Officer/Clerk.
- 1.38 **Premises** -- shall mean a house, Dwelling or building, along with its grounds, outbuildings, etc.
- 1.39 **Restrained** – means being kept securely confined either inside a building or housed in an Enclosure of sufficient dimension and strength to be humane and to prevent an Animal from coming in contact with persons other than the Owner of the Animal.
- 1.40 **Riding School/Centre** – means buildings and land, which are used as an educational centre for Horse training, handling, or care, and includes the appurtenant paddock, exercise, and feeding areas.

- 1.41 **Sanitary** – means a condition that is conducive to maintaining an area free of fecal matter, odor, insect infestation, or any condition which may endanger the health of any Person or Animal.
- 1.42 **Stable** – means a building or part of a building adapted for keeping of more than four Horses, whether or not for profit or gain, and includes the appurtenant paddock, exercise, and feeding areas, and shall include the following:
- 1.42.1 **Boarding Stable** -- means a place, including buildings property, where Horses are kept, for a fee, and operated as a commercial business;
- 1.42.2 **Breeding Stable** -- means a place, including buildings and property, where Horses are kept for the purposes of reproduction and the use of or sale of the offspring, as a hobby or a professional enterprise, and there are no more than two Breeding Horses of no more than two breeds;
- 1.42.3 **Working Stable** -- means a place, including buildings and property, where a group of Animals are kept for a specific purpose such as hunting, security, tracking, obedience, rescue or exhibitions
- 1.43 **Tether** – means a rope or chain or similar restraining device that prevent an Animal from moving beyond a localized area. With “Tethered” and Tethering” have corresponding meanings
- 1.44 **Trespass** – shall mean the act of an Animal entering or remaining on privately-owned property, other than a property owned or occupied by the Animal’s Owner, without the express permission of the Owner or occupant of that property. “Trespassing” shall have a corresponding meaning.
- 1.45 **Unoccupied** – means Premises that do not appear to be used on a regular basis
- 1.46 **Working Animal** -- while such Animals are actively in use for such purposes, includes, but is not limited to, an Animal that is trained to assist a Person with a disability and includes those trained for vision impaired, hearing impaired or other special needs; an Animal that is used for herding Animals; an Animal trained to aid law enforcement officers; an Animal properly licensed through the Ministry of Natural Resources for the purpose of hunting; and shall include Animals or a group of Animals that are kept for a specific purpose such as hunting, security, tracking, obedience, rescue, or mushing.

2. APPLICABILITY

- 2.1 This By-law shall not apply to the following:
- 2.1.1 Domesticated Animals including but not limited to rabbits, hamsters, gerbils, guinea pigs, mice, birds, fish, and non-venomous reptiles, amphibians, spiders, and snakes, if totally confined within a Dwelling or Premises and used for hobby purposes only and not sale purposes.
- 2.1.2 Undomesticated or wild Animals
- 2.1.3 A recognized business for the grooming and/or aesthetic treatment of Animals;

- 2.1.4 A stationary or mobile Animal hospital or clinic owned and operated by a veterinarian licenced by the Ontario Veterinary Association;
- 2.1.5 A Pet Store;
- 2.1.6 The Pound operated by the Municipality;
- 2.1.7 Animals maintained in a zoo, fair, exhibition or circus licensed, if required, by the Municipality;
- 2.2 Operations listed in Sections 2.1.3 through 2.1.7 must be properly zoned to allow for the uses set out therein.

3. KEEPING OF ANIMALS

- 3.1 Single-Detached Dwellings
 - 3.1.1 Subject to the provisions of this By-law, no Person shall Harbour more than four Animals on the Premises of a Single-Detached Dwelling.
- 3.2 Multi-Unit Dwellings
 - 3.2.1 Subject to the provisions of this By-law, no Person shall Harbour more than two Animals per Unit on the Premises of a Multi-Unit Dwelling.
- 3.3 For the purpose of this Section, Animals 12 weeks old and younger shall not be counted in determining the number of Animals on the Premises.
- 3.4 For the purposes of this Section, it shall be construed that the number of Animals permitted is per Dwelling or per Premises or per Unit and not per Person occupying said Dwelling, Premises, or Unit.
- 3.5 This Section does not apply to:
 - 3.5.1 a non-profit or commercially-operated riding school (Section 1.40);
 - 3.5.2 a Farm (Section 1.21);
 - 3.5.3 Cedar Bay Riding Centreand such operations shall be properly zoned, in accordance with the Municipality's current Zoning By-law.

4. CARE OF ANIMALS

- 4.1 Every Person who has Custody or Control of an Animal in the Municipality shall provide the Animal, or cause it to be provided with, food, water, exercise, light, attention and veterinary care as may be required to keep the Animal in good health
- 4.2 Every Owner or custodian of a Dog or Cat three (3) months of age or over shall ensure that the Dog or Cat has current rabies vaccination in accordance with Ontario Regulation 567, RABIES IMMUNIZATION, as amended, or its successor regulations.
- 4.3 Every Owner of a Horse, cow, bull, steer, calf or sheep shall ensure that each Animal has current rabies vaccination in accordance with Ontario Regulation 567, RABIES IMMUNIZATION, as amended, or its successor regulations.

- 4.4 Every Owner who constructs any building, structure, Enclosure, pen or run, whether open or completely enclosed, regardless of whether it is located indoors or outdoors, used or intended to be used for the keeping of Animals shall ensure that it is:
- kept in a Sanitary condition;
 - weatherproof;
 - in a good state of repair;
 - air ventilated;
 - insulated;
such that the Animal contained therein would not be harmed, and its health would not be negatively affected for the reason of being placed in such an Enclosure;
 - not exposed to noxious odors and sounds;
 - escape-proof, with the exception of doghouses that are contained within a secure Enclosure
- 4.5 Every Owner who constructs any Enclosure shall ensure it is of a size and in a condition such that the Animal may:
- 4.5.1 extend its legs, wings, and body to a full natural extent;
- 4.5.2 stand, sit, perch, turn around and lie down
- 4.6 No Person shall allow an Animal to remain outdoors during Extreme Weather, except for brief walks or brief periods of exercise, unless the Animal has access to an Enclosure that will adequately protect the Animal from the elements

5. PUBLIC NUISANCE

- 5.1 No Owner shall allow an Animal or Premises to become a public nuisance.
- 5.2 The following shall be considered a public nuisance:
- 5.2.1 an Animal persistently or excessively barking, howling or making other Noise;
- 5.2.2 an Animal dumping or scattering garbage or trash;
- 5.2.3 an Animal persistently chasing vehicles or pedestrians who are using public or private property adjacent to the Owner's Premises;
- 5.2.4 an Animal excreting feces on property other than the Owner's Premises;
- 5.2.5 an offensive odour which unreasonably disturbs the comfort of neighbours or residents emanates from the Premises.
- 5.3 No Owner shall allow a Kennel, Stable, or Riding Centre to become a public nuisance.
- 5.4 A Kennel, Stable, or Riding Centre shall be considered a public nuisance if:
- 5.4.1. persistent or excessive barking, howling or other Noise emanates from the Premises; or
- 5.4.2 an offensive odour which unreasonably disturbs the comfort of neighbours or residents emanates from the Premises.
- 5.5 Every Person who owns, Harbours, possesses or is in Control of any Animal within the settlement areas of the Municipality shall remove forthwith and dispose of any excrement left by said Animal on any public or private property in the Municipality.

- 5.6 An Owner of a non-spayed female Animal shall, for the duration it is in heat, keep it confined so it will not attract other Animals.

6. DOG AND CAT REGISTRATION AND IDENTIFICATION

- 6.1 Every Person residing temporarily or permanently within the limits of the Municipality, being the Owner of a Dog or Cat shall, on or before the 15th day of January in each and every year cause such Dog or Cat to be registered with the Municipality and shall procure a new or renew Municipal identification therefor which shall be renewed annually as directed by the Municipality.
- 6.2 Every Owner of a Dog or Cat shall keep Municipal identification securely fixed on the Dog or Cat when it is not on the Owner's Premises.
- 6.3 Notwithstanding Section 5.2, if Municipal identification is required on a Working Animal as defined in Section 1.46, Municipal identification may be removed while the Animal is actively is use for the purposes set out therein.
- 6.4 Municipal identification shall bear a serial number and a record shall be kept by the Clerk or other Officer designated for that purpose showing the serial number of the Municipal identification and the name, address and other applicable information of the Owner.

7. ANIMALS RUNNING AT LARGE OR TRESPASSING

- 7.1 No Person shall suffer, allow or permit any Animal of which he or she is the Owner to run At Large or Trespass within the limits of the Municipality.
- 7.2 An Officer may seize an Animal running At Large or trespassing.
- 7.3 An Officer may enter onto any public property, or private property with the consent of the Owner or tenant, for the purpose of seizing any Animal running At Large or trespassing.

8. EXEMPTIONS TO RUNNING AT LARGE

- 8.1 A Working Animal, as defined in Section 1.46, shall not be considered running At Large if it is actively in use for purposes as set out in that Section.
- 8.2 An Animal shall not be considered to be running At Large if it is on the Owner's property, or on a leash.

9. IMPOUNDMENT

- 9.1 An Animal Control Officer may seize or impound an Animal in Distress or an Abandoned Animal.
- 9.2 An Officer who has seized an Animal found running At Large or trespassing may return it to the Owner's habitual residence if known, with appropriate fines being levied, or deliver it to the Pound, when practical, where it can be confined, subject to the right of the Owner to redeem the Animal within the redemption period as set out in Section 9.9 of this By-law by paying to the Municipality the impound fees and any fines levied.

- 9.3 In the event an Animal is not redeemed by the Owner within the redemption period, the Animal shall become the property of the Municipality, which may sell it or dispose of it as deemed fit. When not practical to impound, an Animal running At Large or trespassing may be destroyed whether before or after impoundment and, in either event aforesaid, no damages or compensation shall be recovered on account of an Animal being destroyed or other method of disposition.
- 9.4 The Owner of every Animal impounded, whether or not the Animal is claimed by the Owner from the Pound, is liable for the payment of the impound fee, the boarding fee, any fines levied, and any applicable euthanasia and disposal fees.
- 9.5 No Animal shall be released from the Pound to an Owner without all fees having been paid in full.
- 9.6 In the event that an Animal has not been redeemed within the redemption period and the Animal has become the property of the Municipality, the By-law Enforcement Officer/Clerk may order the Animal destroyed or place an Animal that is suitable as a Pet with a new Owner or organization and attach such conditions as the Municipality may prescribe.
- 9.7 Where an Animal that has been impounded is injured or, in the opinion of the Officer, should be destroyed without delay for humane reasons or safety to persons or other Animals, the Officer may destroy, on written approval by the By-law Enforcement Officer/Clerk, the Animal in a humane manner as soon after seizure as deemed fit, without permitting any Person to reclaim the Animal or without offering it for sale and, in that event, no damages or compensation shall be recoverable on account of its being destroyed.
- 9.8 When, in the judgment of the Municipality or its agents, an impounded Animal should be destroyed for humane reasons, such Animal may not be redeemed.
- 9.9 The minimum redemption period shall be three calendar days, excluding the day on which the Animal was impounded.

10. MUZZLING AND LEASHING OF DOGS

- 10.1 Subject to Section 10.3, after a Dog has bitten or attempted to Bite a Person or a domestic Animal without provocation, every Owner shall ensure that the Dog is muzzled and leashed while said Dog is on any property in the Municipality, including the Premises of the Owner of the Dog.
- 10.2 A Muzzle order may be served on the Owner personally, but where the order cannot be served personally, the order may be served:
- 10.2.1 in Person to an individual who represents themselves, or appears, to be at least 18 years of age, on the owners property;
- 10.2.2 by posting it in a conspicuous place upon some part of the Owner's property and by sending a copy by ordinary mail, which shall be deemed to have been served on the 7th day after mailing; or
- 10.2.3 by sending it by prepaid registered mail to the Owner at the address where they reside, where it shall be deemed to have been served on the 5th day after mailing.
- 10.3 Every Owner of a Dog that has bitten a Person or a domestic Animal shall ensure that, when the Dog is on the Premises of the Owner:

10.3.1 the Dog is confined within the Dwelling Unit located on the Premises, or

10.3.2 the Dog is in an enclosed pen of construction and sufficient dimension to provide for the humane Shelter but which prevents the Dog's escape, or entry therein by unsupervised children.

10.4 Where the Owner of the Dog objects to the muzzling or leashing requirement set forth in Section 10.3 above, the Owner of the Dog may request and is entitled to a Hearing by the Council of the Municipality. The Council, may, by resolution, delegate the holding of the aforesaid hearing to a committee of Council or to an Officer. Council or the committee of Council or the Officer, if so delegated, may in its/his/her sole discretion exempt the Owner from the muzzling or leashing requirement contained in Section 10.3 above.

10.5 If the Owner is unable or unwilling to meet the requirements of the order, the Owner is required to surrender such Dog into the care and Control of the Animal Control Officer for humane euthanasia.

11. TETHERED ANIMALS

11.1 Every Person who has Tethered an Animal shall ensure that the Animal:

11.1.1 has unobstructed movement within the range of the Tether; and

11.1.2 shall not suffer an injury resulting from the Tether.

11.2 No Person shall keep an Animal tethered:

11.2.1 where a choke collar, choke chain, pronged collar or any similar device forms part of the Tether; or

11.2.2 by tying a rope, chain, or cord directly around the Animal's neck.

11.2.3 on a Tether that is less than three (3) metres in length.

11.3 Every Owner shall ensure that the Animal shall have access to water and Shelter while Tethered.

11.4 Every Person who has Custody or Control of an unsprayed female Dog or Cat shall, during each period that the Dog or Cat is in heat, keep it confined so that it will not attract other Animals.

11.6 No Person shall permit or cause his/her Animal to be Abandoned.

11.7 No Person shall permit or cause an Animal to be in Distress.

12. UNATTENDED ANIMALS

12.1 Every Owner of an Animal left unattended in a motor vehicle shall ensure that:

12.1.1 the Animal is Restrained in a manner that prevents contact between the Animal and any member of the public;

12.1.2 the Animal has suitable ventilation; and

12.1.3 the Animal is not exposed to Extreme Weather which can cause Distress and/or death.

13. AGGRESSIVE DOGS

- 13.1 The By-law Enforcement Officer/Clerk may declare a Dog to be aggressive, subject to the findings of an investigation as set out in Section 13.2
- 13.2 To determine if a Dog should be declared “aggressive”, an investigation may take into consideration the following circumstances:
 - 13.2.1 the past and present temperament and behaviour of a Dog and the propensity, tendency or disposition to Bite or attack persons or other domesticated Animals without provocation;
 - 13.2.2 the seriousness of any injuries caused by the Dog biting a Person or domestic Animal;
 - 13.2.3 unusual contributing circumstances tending to justify the action of the Dog;
 - 13.2.4 the probability that a similar attack will be repeated;
 - 13.2.5 the Dog’s physical potential for inflicting harm;
 - 13.2.6 precautions taken by the Owner to preclude similar attacks or threatened actions to attack in the future; and
 - 13.2.7 any other circumstances that an Officer considers to be relevant.
- 13.3 A Dog found running At Large or trespassing, which in the opinion of an Officer may be aggressive or which has been the subject of a complaint by another Person that the Dog may be aggressive, shall be impounded and processed in the same manner as set out in Section 9.
- 13.4 Within seven days of a Dog being impounded under the circumstances set out in Section 13.3, an Officer shall investigate the circumstances of the biting or attacking by the Dog, or of the complaint.
- 13.5 The Dog shall remain impounded until an Officer has completed his investigation and the By-law Enforcement Officer/Clerk has made his declaration.
- 13.6 A declaration by the By-law Enforcement Officer/Clerk that a Dog is aggressive shall be in writing.
- 13.7 Where the By-law Enforcement Officer/Clerk has declared a Dog to be an Aggressive Dog as provided in this Section, the By-law Enforcement Officer/Clerk may Order:
 - 13.7.1 that the Dog be thereafter Muzzled and or leashed as set out in Section 10, or
 - 13.7.2 that the Dog be destroyed in such manner as is provided in the Order.
- 13.8 An Order under Section 13.7 shall be in writing by the By-law Enforcement Officer/Clerk.
- 13.9 Where the Owner of the Dog objects to the Order issued under Section 13.7 above, the Owner of the Dog may request and is entitled to a Hearing by the Council of the Municipality. The Council, may, by resolution, delegate the holding of the aforesaid hearing to a committee of Council or to an Officer or other staff. Council, the committee of Council, the Officer, or other staff, if so delegated, may in its/his/her sole discretion exempt the Owner from the Order issued under Section 13.7 above.

- 13.10 Impound fees shall be payable by the Owner as set out in Schedule "B".(To be amended from time to time by Council without an amendment to this by-law.

14. KENNELS

14.1 Licenses

- 14.1.1 No Person shall operate or continue to operate a Kennel without a valid license.
- 14.1.2 No Person shall operate a Kennel except in accordance with the terms and conditions of the Kennel license issued by the Municipality.
- 14.1.3 Every Owner of a Kennel shall apply for and pay an annual licence fee as set by the Municipality.
- 14.1.4 An application for a Kennel licence or renewal shall be submitted in the proper form, including a detailed site plan and the appropriate fee, to the Municipality.
- 14.1.5 Any applications for a new Kennel shall be subject to circulation to properties within 120 metres of the Kennel Premises to obtain comments from property owners. Any objections shall be submitted in writing and shall be compiled into a report to Council for a decision as to whether or not a licence shall be granted. Council may, by resolution, delegate its decision-making authority in this instance to a committee of Council or a staff member. If no objections are received, a licence shall be issued.
- 14.1.6 All Kennel Licenses shall be valid for the calendar year that they were issued, unless otherwise suspended or cancelled.

14.2 Conditions/Exemptions for Kennels

- 14.2.1 An Owner of a Kennel shall ensure that the Kennel conforms to the provisions of the Municipality's Official Plan and Comprehensive Zoning By-law and no Kennel, run, pen or exercise yard shall be erected contrary to the provisions of those documents.
- 14.2.2 On direction by the Municipality, an Owner of a Kennel shall erect and install a proper fence, around every pen, run or exercise yard to standards set by the Municipality.
- 14.2.3 Notwithstanding the provisions of this By-law, the Municipality may, in its absolute discretion, limit the number of Animals which may be kept in the Kennel as a condition of the licence.
- 14.2.4 Owners of Shelter Kennels or Breeding Kennels shall ensure that all dogs or Cats are affixed with Municipal identification, per Section 6, prior to the release of a Dog or Cat to a new Owner.
- 14.2.5 Municipal Identification purchased by an Owner of a Working Kennel will be at a discounted rate, as established by Council from time to time, and may be removed while the Animal is being lawfully used as defined in Section 1.24.3 as set out in the Kennel Licence.

14.3 Cancellation of Licence

- 14.3.1 No less than 30 days after having given notice in writing, the Municipality may cancel a Kennel Licence when it is of the Municipality's opinion that the continued operation of the Kennel is not in the best interest of the Municipality. Such grounds for cancellation shall include unresolved problems of Noise, sanitation, care of Animals as established by the Pound Act or other legislation, or uses other than permitted by the Kennel Licence.
- 14.3.2 The written notice described in Section 14.3.1 shall be delivered in Person or mailed by registered mail to the registered Owner of the Kennel. In the case where the Kennel Owner does not own the property on which the Kennel is located said notice shall be given to both the Kennel Owner and the property Owner.
- 14.3.3 In the event a Kennel Owner has been given notice of intent to cancel a Kennel Licence, the Owner of such a Kennel may, within 10 days of the date of the notice, request and is entitled to a Hearing by the Council of the Municipality. The Council, may, by resolution, delegate the holding of the aforesaid hearing to a committee of Council or to an Officer or other staff. Council, the committee of Council, the Officer, or other staff, if so delegated, may in its/his/her sole discretion exempt the Owner from the Order issued under Section 14.3.1 above.

15. STABLES

- 15.1 An Owner of a Stable shall ensure that the Stable conforms to the provisions of the Municipality's Official Plan and Comprehensive Zoning By-law and no building, paddock, exercise area or feeding area shall be erected contrary to the provisions of those documents.
- 15.2 On direction by the Municipality, an Owner of a Stable shall erect and install a proper fence around the Premises to standards set by the Municipality.
- 15.3 Notwithstanding the provisions of this By-law, the Municipality may, in its absolute discretion, limit the number of Horses which may be kept in a Stable.

16. ADDITIONAL MATTERS

- 16.1 Fees required under this By-law shall be established by the Municipality from time to time by resolution of Council
- 16.2 The Mayor of the Municipality may, whenever claims are being made to the Municipality of attacks upon persons, livestock or other domesticated Animals by dogs, or whenever the disease of canine madness known as "hydrophobia" is prevalent, issue a public notice directing that all dogs shall be confined, tied up or muzzled for a specific period of time as set forth in such notice, and, during the specified period of time, it shall be lawful for a designated Person or persons appointed by the Municipality to destroy any Dog not properly muzzled running At Large or trespassing within the Municipality.

- 16.3 Any Dog found running At Large or trespassing in the Municipality for which claims of it attacking persons, livestock or other such domesticated Animals have been made, or a Dog which, in the opinion of an Officer, cannot be seized in a safe manner, may be ordered destroyed on site by the By-law Enforcement Officer/Clerk.
- 16.4 Notwithstanding anything in this By-law, owners are subject to the Dog Owners Liability Act and any other applicable legislation.
- 16.5 The Municipality, its agents and servants, and an Officer shall not be liable for damages or compensation for any Animal killed under the provisions of this By-law and no such damages or compensation shall be paid to any Person.
- 16.6 If there is a conflict between a provision of the Dog Owner's Liability Act or a Regulation under that Act, or any other Act relating to pit bulls, or another By-law relating to pit bulls, and a provision of this By-law relating to pit bulls, the provision that is the most restrictive in relation to the Control over bans on pit bulls prevails.

17. KEEPING OF UNDOMESTICATED ANIMALS

- 17.1 No Person shall keep any of the kind of Animals listed in Schedule "A" attached to and forming part of this By-law within the limits of the Municipality of Sioux Lookout.

18. TEMPORARY EXEMPTION

- 18.1 In the event of unforeseen circumstances or situations, persons may apply to the Municipality for a temporary exemption to this By-law. Such an exemption allows staff time to investigate the situation and, if appropriate, to process an amendment to this By-law. A "Temporary Exemption" application form as set out in Schedule B to this By-law shall be completed and submitted, along with a processing fee of \$50.00.
- 18.2 No Person shall contravene this By-law without having written permission from the Municipality.
- 18.3 A temporary exemption may be granted for a maximum period of 60 days, unless otherwise provided for, in writing, by the Municipality.

19. TRANSITIONAL MATTERS

- 19.1 Notwithstanding any Section of this By-law, any Person owning more than the number of Animals permitted in Section 3 or owning a prohibited Animal as set out in Section 17 and Schedule A on the day prior to this By-law coming into force shall be permitted to maintain those Animals under the following conditions:
- 19.1.1 the Owner registers such ownership with the Municipality within 60 days of the passing of this By-law and
- 19.1.2 the Owner complies with the other provisions of By-law No. 50-06.
- 19.2 Animals referred to under this clause may be transferred to another Person in the Municipality provided the transfer is registered with the Municipality within 60 days of occurrence.

- 19.3 In the event that such Animals permanently go out of an Owner's possession, they will not be permitted to be replaced except in compliance with this By-law.
- 19.4 Notwithstanding anything in this By-law, the requirement for registration and Municipal identification of Cats shall come into effect no earlier than January 1, 2007 and if after January 1, 2007, as determined and directed by the Municipality.

20. ENFORCEMENT AND RIGHT OF ACCESS

- 20.1 Subject to section 436 of the Municipal Act, an Animal Control Officer may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with this By-law, or a notice, or order issued in accordance with this By-law.
- 20.2 Subject to section 436 of the Municipal Act, an Animal Control Officer can enter a Premises at any reasonable time when he or she deems appropriate if in his or her opinion and Animal kept there is in Distress and needs immediate treatment or attention.
- 20.3 For the purposes of an inspection under Section 20.1 and 20.2, an Animal Control Officer may decide to take Custody of the Animal and arrange food, water, Shelter, care and veterinary treatment for it.
- 20.4 All costs associated with the transportation, impoundment and veterinary care, under Section 20.2 and 20.3 are borne by the Owner of the Animal.

21. OFFENCES AND PENALTIES

- 21.1 Any Person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.
- 21.2 A court in which the conviction has been entered, or 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.

22. VALIDITY

- 22.1 If a court of competent jurisdiction declares any provision, or any part of a provision, in this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every provision in this By-law authorized by By-law be applied and enforced in accordance with the terms to the extent possible according to law.

23. SHORT TITLE

- 23.1 This By-law may be cited as the Municipality of Sioux Lookout "Animal Control By-law".

24. REPEAL OF PREVIOUS BY-LAW

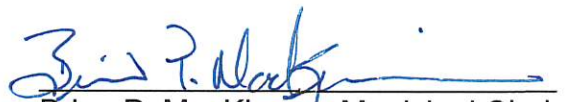
24.1 By-law No. 50-06 shall be repealed on the date the Ministry of the Attorney General approves the Set Fines under By-law No. 09-23.

25. THAT this By-law shall come into force and take effect on the date of its final passing.

READ A FIRST, TIME THIS NINETEETH DAY OF APRIL, 2023.

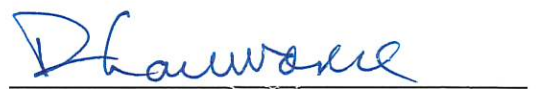


Doug Lawrance, Mayor

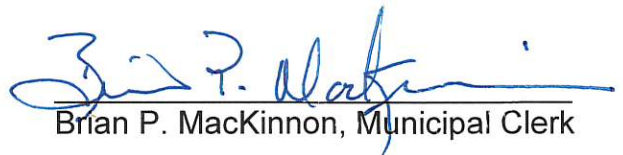


Brian P. MacKinnon, Municipal Clerk

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS SEVENTEENTH DAY OF MAY, 2023.



Doug Lawrance, Mayor



Brian P. MacKinnon, Municipal Clerk

SCHEDULE A

Attached to and forming part of By-law No. 09-23

Being a list of Animals prohibited to be kept as pets
Within the Municipality of Sioux Lookout (subject to Section 17)

1. All Marsupials (such as Kangaroos and Opossums)
2. All Non-Human Primates (such as Gorillas and Monkeys)
3. All Felids, except domestic Cat
4. All Canids, except domestic Dog
5. All viverrinus (such as Mongoose, Civets and Genets)
6. All Ursids (Bears)
7. All Artiodactylus Ungulates, except domestic goats, sheep, pigs and cattle, bison, elk, llamas (unless prohibited by other Municipal By-laws)
8. All Procyonids (such as Racoons, Coadis and Cacomistles)
9. All Hyenas
10. All Perisspdactylus Ungulates, except the domestic Horse and ass
11. All Elephants
12. All Pinnipedia (such as Seals, Fur Seals and Walruses)
13. All Snakes of the Families Pythonidas and Boas
14. All Venomous Snakes
15. All Venomous Reptiles
16. All Raititae Birds (such as Ostriches, Rhea, Cassowaries)
17. All Diurnusand Nocturnal Raptors (such as Eagles, Hawks and Owls)
18. All Edentatus (such as Anteaters, Sloths and Armadillos)
19. All Bats
20. All Crocodilians (such as Alligators and Crocodiles)
21. All venomous Arthropoda (such as venomous spiders)
22. All venomous Amphibians (such as venomous frogs)
23. All Mustelidae or Mustelid such as skunks, weasels, otters, minks, badgers, Martens.
24. All Castoridae such as beavers

Examples of Animals are provided for information and shall not be construed as limiting the generality of the group.

Appendix B

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. 09-23, Part 1 of the Municipality of Sioux Lookout, Kenora District, attached hereto is the set fine for that offence. This Order is to take effect September 12, 2023.

Dated at Thunder Bay this 12th day of September, 2023.



The Honourable David Gibson
Regional Senior Justice
Northwest Region

Municipality of Sioux Lookout

PART I Provincial Offences Act

By-law No. 09-23: Animal Control By-law

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Harbour more than four (4) animals– single-detached dwelling	Sec. 3.1.1	\$250
2	Harbour more than two (2) animals – multi-unit dwelling	Sec. 3.2.1	\$250
3	Fail to provide Basic Needs for animals	Sec. 4.1	\$250
4	Fail to immunize Cat or Dog	Sec. 4.2	\$125
5	Fail to immunize Domestic Animals	Sec. 4.3	\$125
6	Fail to maintain Enclosure	Sec. 4.4	\$150
7	Fail to provide adequate size Enclosure	Sec. 4.5	\$150
8	Allow animals to remain outdoors in Extreme Weather	Sec. 4.6	\$150
9	Allow animal to become Public Nuisance	Sec. 5.1	\$125
10	Allow animal to Scatter garbage/trash	Sec. 5.1	\$125
11	Allow animal to Chase Vehicles/ Pedestrians	Sec. 5.1	\$125
12	Allowing animal to Excrete Feces on property other than owners property	Sec. 5.1	\$125
13	Emit Offensive Odour - Owners Premises	Sec. 5.1	\$125
14	Cause Public Nuisance – Kennel/Stable/Riding Centre	Sec. 5.3	\$150
15	Centre to Emit foul Odour - Kennel/Stable/Riding	Sec. 5.3	\$200
16	Fail to Remove Excrement from public or private property	Sec. 5.5	\$125
17	Fail to confine female animal in heat	Sec. 5.6	\$150
18	Fail to procure or renew Municipal identification	Sec. 6.1	\$50
19	Fail to secure Municipal identification on dog/cat	Sec. 6.2	\$50
20	Allowing animal to run at large/trespass	Sec. 7.1	\$250
21	Fail to muzzle and/or leash a dog	Sec. 10.1	\$250
22	Fail to confine a dog within a dwelling unit	Sec. 10.3.1	\$250
23	Fail to enclose a dog in a pen as required	Sec. 10.3.2	\$250
24	Fail to surrender dog	Sec. 10.5	\$250
25	Obstruct movement of tethered animal	Sec. 11.1.1	\$150
26	Tethering – cause injury to animal	Sec. 11.1.2	\$200
27	Allow misuse of collar type	Sec. 11.2	\$150
28	Failure to provide sufficient tether length	Sec. 11.2.3	\$150
29	Failure to provide access to water	Sec. 11.3	\$250
30	Tethered Animals – Unaltered animals in heat	Sec. 11.4	\$150
31	Allowing Animal to be Abandoned	Sec. 11.6	\$250
32	Allowing Animal to be in Distress	Sec. 11.7	\$250
33	Failure to prevent contact with the public	Sec. 12.1.1	\$150
34	Failure to provide sufficient ventilation	Sec. 12.1.2	\$250
35	Allowing exposure to Extreme Weather causing Distress	Sec. 12.1.3	\$250
36	Operating a Kennel without a valid licence	Sec. 14.1.1	\$250
37	Failing to operate a kennel in accordance with the terms and conditions of the licence	Sec. 14.1.2	\$250
38	Failure to erect/install fence	Sec. 14.2.2	\$150
39	Failure of Shelter Kennel or Breeding Kennel to ensure that dog or cat released to new owner is affixed with Municipal identification	Sec. 14.2.4	\$125
40	Stable Owner - Failure to erect/install fence	Sec. 15.2	\$150
41	Keeping of a prohibited Animal (Schedule A)	Sec. 17.1	\$250

NOTE: The penalty provision for the offences indicated above is section 21.1 of By-law No. 09-23, a certified copy of which has been filed.

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

THUNDER BAY COURTHOUSE
125 BRODIE STREET NORTH, 6th FLOOR
THUNDER BAY, ONTARIO P7C 0A3



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

PALAIS DE JUSTICE
125, RUE BRODIE NORD, 6^e ÉTAGE
THUNDER BAY (ONTARIO) P7C 0A3

TELEPHONE/TÉLÉPHONE (807) 626-7048
FAX/TÉLÉCOPIEUR (807) 626-7091

September 12, 2023

Attention: Maureen Neufeld, Deputy Clerk

The Corporation of the
Municipality of Sioux Lookout
25 Fifth Avenue,
P.O. Box 158
Sioux Lookout, Ontario P8T 1A4
mneufeld@siouxlookout.ca

Dear Ms. Neufeld:

RE: Set Fines, The Corporation of the Municipality of Sioux Lookout, Kenora District,
Part 1
By-law No. 09-23 - Regulate the Keeping of Animals

Enclosed herewith is the original Order with schedule of set fines for Animal Control By-law 09-23 containing schedule "A" and Part I Provincial Offences Act, Set Fines for by-law No. 09-23 for the Corporation of the Municipality of Municipality of Sioux Lookout, Kenora District.

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

A copy of the Order and the schedule of the set fines are being held in the Office of the Regional Senior Justice at Ontario Court of Justice in Thunder Bay.

Yours truly,

A handwritten signature in blue ink, appearing to read "David Gibson", written over a circular stamp.

The Honourable David Gibson
Regional Senior Justice
Northwest Region

DMG:pn

Encls.

cc: Crown Law Office, Toronto
POA Supervisor, Thunder Bay