Corporation of the Town of Moosonee

BY-LAW No. 05-2025

Being a by-law to regulate the care of domestic animals in the Town of Moosonee.

WHEREAS the Municipal Act, 2001.S.O.2001,c.25,as amended(Municipal Act) confers the power upon a municipality to pass a by-law to provide for the seizure and impounding of domestic animals being at large or trespassing and the sale of impounded animals under certain conditions;

AND WHEREAS the "Municipal Act" requires a Council or Committee of Council or an animal control officer of the Municipality to hold a hearing on whether to exempt an owner in whole or in part from muzzling requirements of a dog, when so requested by the dog owner;

AND WHEREAS the Dog Owners' Liability Act., R.S.O. 1990,c.D.16, as amended, provides for control pit bulls and other dog breeds as defined in the Act,

AND WHEREAS the Pounds Act, R.S.O. 1990, Chap. P.17 authorizes a municipality to impound animals running at large;

NOW THEREFORE, the Corporation of the Town of Moosonee herby enacts as follows:

DEFINITIONS:

"DOMESTICATED ANIMAL" means any animal that is owned by any person.

"ANIMAL CONTROL OFFICER" includes any person working or employed in that capacity on behalf of the town and his or her delegate

"AT LARGE" includes a domesticated animal when found in a place other than the premises of the owner of the animal and not under of the control of the owner, and in the case of dogs and cats including not being on a leash, and not under the care and control of a person demonstrably capable of restraining the dog or cat, and includes a stray dog or stray Cat

"DANGEROUS DOG" means a dog that harms or injures a victim (human or other animal) by biting, scratching or any other mode of injury where the behaviour occurs with little or no warning, is displayed at full intensity and is not easily stopped

"DESTROY" dispose of in a humane manner includes kill

"DOG" means a domesticated canine animal, male or female

"KENNEL" means a building or structure or part thereof used for breeding, raising , boarding, housing, feeding, sheltering, maintenance, grooming or sale of dogs, cats or other household pets in accordance of this bi-law

"LEASH" means a rope or chain or other restraining device for a dog which may not exceed 1.83 metres (6 feet) long.

"OWNER" includes a person who possesses, harbours, gives shelter to, or has custody of an animal, and in the case of a minor, "owner" means the person responsible for the custody of the minor

"POLICE WORK DOG" means a dog trained for and engaged in law enforcement by any federal, provincial or municipal government agency

"RUNNING AT LARGE" includes a dog or dogs when found in a place other than the premises of the owner of the dog or dogs, and not on a leash and not under the care and control of a person demonstrably capable of restraining the dog or dogs and includes a stray dog or dogs

"SERVICE ANIMAL" means a guide dog and other trained service animal identifiable by a harness and used principally to assist persons with a visual, hearing or other disability

"THREATENING DOG" means a dog that displays aggressive behaviour including growling, snarling, snapping, baring teeth, lunging or inhibited biting where the behaviour does not harm or injure the victim (human or other animal)

PART 1

1. **Licensing Of Dogs**
   a) The owner shall obtain an animal license for every dog owned by him/her which is three (3) months of age or older, immediately upon the dog coming into his or her possession;
   b) To obtain a license, the owner shall pay, in full, a non-refundable fee in accordance with the Town's Municipal Act Fee's By-law;
   c) On payment of the license fee for a dog, the owner shall receive a valid dog tag and he or she shall keep the valid tag securely fixed on the dog at all times until the tag is replaced or renewed in accordance with this by-law;
   d) A dog tag is valid only for the calendar year in which it was issued, and only in respect of the particular dog for whom it was issued;
   e) A dog tag is valid for the lifetime of the dog if it can be proven that the dog is spayed or neutered and the lifetime tag is purchased, and only in respect of the particular dog for whom it is issued;
   f) No person, other than the owner, shall remove a tag from a dog without the prior consent of the owner;
   g) No owner shall attach a tag to a dog other than the dog for which the tag was issued;
   h) Where there is a change of ownership of dog during license lifetime, the license holder shall notify the license issuer immediately of the change of ownership and the owner shall pay a license transfer fee for this service.

2. **Leashing Of Dogs**
   The owner of a dog shall keep the dog on a leash and under the control of a person who is physically capable of controlling the dog when the dog is on premises in the Town other than the dog owner's premises unless:
      a. the dog is found on the premises of a person who owns or occupies the premises and who consents to the presence of the unleashed dog, or;
      b. the dog is a service animal or Police work dog and the dog is performing his duties

3. **Noise by Dogs**
   In addition to the provisions of this by-law, every person who owns a dog or who has care and custody of a dog shall at all times take all precautions necessary to prevent undue noise by the barking, yelping, whining, calling or howling of his or her dog.

4. **Keeping of Domesticated Animals**
   a) The owner of an animal shall treat every animal owned by him in a humane manner including but not limited to providing the animal with medical care, shelter, food and water, sanitary facilities and exercise appropriate to, and adequate in the circumstances;
   b) No person shall keep or permit to be kept, an animal in an animal enclosure outside of a building or structure unless the animal enclosure is:
      I. at least 1 meter (3.3 feet) from any property line;
      II. of a size and in a condition such that the animal may extend it's legs and body to their full natural extent including sitting and standing;

III. Soundly constructed of hard, durable material which is impervious to water and provides protection from the weather;
IV. Constructed of a material that may be readily sanitized;
V. Adequately ventilated for the health, welfare and comfort of the animal;
VI. Designed so that every animal contained therein may be readily observed unless the natural habitats of the animal require otherwise;
VII. Kept free of excessive odour;
VIII. Maintained in a good state of repair.

c) No person shall keep, permit to be kept, on any premises any more than three (3) dogs and, a total not exceeding of six (6) animals.
d) The prohibition in regard to the number of dogs and total number of animals shall not apply to premises which are used for
I. Dog sled racing team;
II. Temporary home's for adoptions;
III. A shelter operated by a branch of the Ontario Society for Prevention of Cruelty to Animals;
IV. A temporary veterinary hospital.
e) The prohibition in regard to the number of dogs shall not apply to an owner who was keeping more than three (3) validly licensed dogs on the day that this by-law was enacted from keeping these self same dogs until they have died or have been otherwise disposed of.

5. Domesticated Animal Excrement

a) The owner of an animal shall remove immediately any excrement left by such animal on any premises in the Town of Moosonee.
b) Part A shall not apply to an owner who is a person who replies upon a service animal while that animal is being used to aid that person with a visual or other physical disability

6. Domesticated Animals Running At Large

a) No owner shall permit, or cause to permit, their domesticated animal to run at large on any premises in the Town of Moosonee;
b) A dog is deemed not to be running at large where the dog is
I. A service animal or police work dog performing it's duties;
II. Found on the premises of a person who owns or occupies the premises and who consents to the presence of the unleashed dog thereon.
c) Any animal running at large may be seized:
I. By an animal control officer appointed by the Town of Moosonee may impound the animal;
II. by any person who shall deliver it to an animal control officer as soon as reasonable in the circumstances;
III. by any property owner or tenant that which the animal is trespassing on his / her property.

7. Order To Comply

a) The animal control officer who finds a contravention of this by-law may make an order to comply directing compliance with this by-law and may require the order to be carried out immediately or within such time as he specifies;
b) The order to comply shall be served on the person whom the animal control officer believes is contravening this by-law;
c) The order to comply shall contain sufficient information to specify the nature of the contravention;
d) The contravener shall comply with the order immediately or within the time period specified in the order.

8. Dangerous Or Threatening Dog

a) An animal control officer may issue to an owner of a dog identifying the dog as a threatening or dangerous dog. The order shall be in writing and shall be served on the owner of the dog;

b) Where a dog has been identified as a threatening or dangerous dog, the owner of the dog shall ensure that the dog is spayed or neutered and vaccinated;
c) A threatening or dangerous dog shall only be outside on the property of it's owner if it is kept only in the rear yard where it is secured in such a manner that the threatening dog is effectively prevented from escaping and all gates in the rear yard are kept locked at all times. The enclosure and the rear yard fence are kept in good repair at all times;
d) Where a secure yard is unavailable, a threatening dog shall be kept in a dwelling or in a pen or animal enclosure located in the rear yard;
e) A threatening or dangerous dog shall not be kept in a garage where the garage has access through which the dog can exit the garage onto a driveway or a front yard;
f) When not on the property of it's owner, an owner of a threatening or dangerous dog ensure that the dog:
    a. wears a muzzle
    b. is supervised and under control of a person eighteen (18) years or older who is physically capable of controlling it.
    c. is on a leash of six (6) feet or 1.83 metres in length or less.
g) A dangerous or threatening shall not be left unattended outside of the enclosure in the rear yard;
h) Where no person, eighteen (18) years of age or older, who is physically capable of controlling the dangerous or threatening dog is present on the property, the dog shall only be left inside a building from which it can not escape;
i) Every owner of a dangerous dog shall ensure that a sign containing the words "BEWARE OF DOG" is displayed at each entrance to his or her premises and to each building on the premises in which the dangerous dog is kept. This sign shall be visible and legible from the nearest road.
j) Every owner of a dangerous dog shall ensure that a policy of public liability (homeowner's) insurance, satisfactory to the Town of Moosonee, is in force at all times in the amount of at least one million dollars (1,000,000). Every owner of a dangerous dog shall provide proof of this policy at any time at the request of an animal control officer
k) The provisions of this by-law regarding threatening dogs and dangerous dogs shall not apply to a guard dog where the dog is fully trained as a guard dog by an accredited training facility, and the guarded property is fully fenced by a visible fence which is kept in good repair and which effectively prevents the guard dog from escaping;
l) Where the animal control officer has issued an order identifying a dog as a threatening or dangerous dog, the owner of a dog may request a hearing before Council;
m) A request for a hearing shall be in writing and shall be received by the Clerk-Treasurer of the Town of Moosonee within fifteen (15) days of the day that the animal control officer issued the order and shall be accompanied by the payment, in full, of a non-refundable fee in accordance with the Municipal Act Fees By-law;
n) The provisions of Sections 5 to 15 and 21 to 24 of the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, as amended, shall apply to all hearings conducted by Council;
o) Council may confirm, rescind, amend or modify the order of the animal control officer;
p) The decision of Council shall be final and the owner shall immediately comply with the decision;
q) A request for a hearing does not operate as a stay of the order of the animal control officer.
r) In addition to the fee for a dog license imposed under the Town's Municipal Act Fee's By-law, the owner of a dog deemed dangerous shall pay a further annual fee of one thousand dollars ($1,000.00).

9. Service Of Orders

a) Any order required under this by-law to be served may be served personally or by registered mail sent to the last known address of the person to whom the order is to be given or to that person's agent for service;

b) If an order is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order is given or that person's agent for service establishes that, acting in good faith, through absence, accident, illness or other unintentional cause the notice was not received until a later date.

10. Kennels

No person shall construct, own, operate, maintain, manage, control or supervise or cause to be constructed, owned, operated, maintained, managed, controlled or supervised a kennel except in accordance with the following provisions

a) The kennel building and its location shall comply with the provisions of the Zoning by-law and the Ontario Building Code Act and other applicable law;

b) The kennel building shall have:
   I. A floor constructed of concrete or other impermeable material and a drain;
   II. An opening constructed as a plumbing fixture;
   III. electrical lighting;
   IV. windows which may be opened for adequate ventilation;
   V. heating system sufficient to adequately heat the kennel;
   VI. mechanical ventilation system to adequately ventilate the kennel with required number of daily air changes in accordance with sound engineering practice;
   VII. hot and cold running water;
   VIII. a food preparation area

c) Every cage in the kennel shall be:
   I. adequately sized to permit the animal to extend its legs to their full extent, to stand, to sit, to turn around or lie down in a fully extended position;
   II. constructed solely of metal or wire and shall have a floor made of metal or other impermeable material

d) The kennel building and the cages shall be maintained in a sanitary clean condition, in good repair, and free of offensive odours, vermin and disease;

e) There shall be adequate number of outdoor dog runs or an exercise area that will allow the dogs to run and receive adequate amount of daily exercise;

f) Where animals are permitted to use an outside area, there shall be constructed around such area, a chain link fence having a height of at least five (5) feet (1.5 metres) and the wall of an adjacent building may be included as part of such fenced-in area;

g) Where the clipping and grooming service is performed, it shall be carried out in the kennel building only;

h) The animals shall be adequately fed and watered and a healthful temperature shall be maintained at all times.

i) An animal control officer may at any reasonable time enter upon and may inspect, without notice, any kennel or any place where dogs are kept.

j) No person shall obstruct or hinder the entry or inspection of a kennel by an animal control officer.

11. Offence

Every person who contravenes any provision of Part 1 of this by-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the Provincial Offences Act, as amended.

PART 2

12. Impounding Of Domesticated Animals

a) A domesticated animal may be impounded by an animal control officer if an animal control officer or other person appointed by the Town of Moosonee finds the animal running at large in the Town of Moosonee.

b) Notwithstanding the above, an animal control officer:
   I. is not required to pick up a stray cat

II. may refuse to receive a domesticated animal at the animal shelter where in his/her opinion there are no facilities available in the animal shelter;
III. the domesticated animal poses a health hazard to humans or other animals in the shelter

c) A domesticated animal may be impounded by an animal control officer if he/she or other person finds the animal running at large within the town limits of Moosonee.
d) An animal control officer may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose seizing any dog running at large contrary to the provisions of this by-law.

13. Redemption of Impounded Domesticated Animals

a) The animal control officer shall keep a record of any dog impounded at the animal shelter including the date the animal was impounded, the disposition of the animal, the date of the disposition and the serial number of the dog tag if available or other means of identification;
b) Where the animal control officer is able to identify the name of the owner of an animal that has been impounded that has been received at the shelter shall take all reasonable steps to notify the owner that the animal has been impounded;
c) The animal control officer shall keep every impounded dog received for redemption by the owner for a minimum period of seventy-two (72) hours, exclusive of statutory holidays, and excluding the day the dog was impounded received;
d) The animal control officer, or his/her designate, may release a dog if the maintenance fee is paid in full, and a proof of payment is presented to the animal control officer;
e) Where an impounded dog is unclaimed, the animal control officer may transfer, sell, make available for adoption or destroy or otherwise dispose of the animal in a humane manner;
f) An animal control officer may destroy or otherwise dispose of an animal as soon as the animal is impounded or received without notifying the owner or permitting the owner to reclaim it or without offering it for sale or adoption, where in the opinion of the animal control officer, the animal should be destroyed by reason of injury, disease, safety to persons or other domestic animals, or for any other humane reason;
g) Where an animal control officer sells, destroys or otherwise disposes of in a humane manner an animal pursuant to the provisions of this by-law, no damages or compensation shall be recoverable from the Town of Moosonee.

14. Redemption Fees

a) The animal control officer may release an impounded animal to the owner of the animal on payment of:
i. the maintenance fee is paid in full as per the amount required as stated within the "Check";
ii. any and all expenses incurred by the Town as a result of the animal receiving medical treatment including but not limited to examination, tests, and non-prescription or prescription drugs;
iii. the damages, as appraised by the animal control officer, caused by an impounded animal while the animal was running at large;
iv. any and all expenses incurred by the Town as a result of placing the animal in quarantine;
v. if the owner can not pay the maintenance fee after the seventy-two hour impoundment, the owner shall pay the amount stated in the "Fees for Service" By-Law per each additional day.

b) Where an animal is seized or delivered has no identification shall not be released until the maintenance fee is paid in full, no identification fee is paid in full and purchases a licensed tag from the Town of Moosonee. Fees outlined within the "Fees for Service" By-Law.
c) Where a dog has no visible identification and the owner is not a resident of the Town of Moosonee, the owner must provide the animal control officer with

satisfactory evidence that the dog is licensed by the municipality in which the dog is normally residing;

15. Quarantine of Domesticated Animals

Where:

a) a medical officer of health has ordered that an owner of a dog confine and isolate the animal for at least ten (10) days from all persons and animals due to a threat of rabies, and the owner cannot so isolate and confine or dog at his place of residence, the owner may apply to the animal control officer to isolate and confine or dog at the animal shelter;

b) The animal control officer may accept the dog at the animal shelter where:

   i. the animal control officer is of the opinion that there are facilities available;
   ii. The dog does not pose an undue health hazard to humans and other animals at the shelter;
   iii. The owner agrees to pay the full cost of the confinement and isolation;
   iv. The owner provides a deposit by way of cash for the costs satisfactory to the animal control officer

16. Repeal

All prior by-laws with respect to animal control in the Town of Moosonee are hereby repealed.

READ a first and second time this 25th day of March, 2025

Mayor – Wayne Taipale

Deputy Clerk – Chantal Rheault

READ a third time and finally passed this 25th day of March, 2025

Mayor – Wayne Taipale

Deputy Clerk – Chantal Rheault