

THE CORPORATION OF THE TOWNSHIP OF KERNS

BY-LAW NO. 2023-13

BEING A BY-LAW TO PROVIDE FOR THE REGULATION AND CONTROL OF ANIMALS WITHIN THE TOWNSHIP OF KERNS

WHEREAS pursuant to the Municipal Act 2001, Section 103, 105, and 128 permits municipalities to regulate animals within the Municipality;

NOWHEREFORE the Council of the Corporation of the Township of Kerns hereby enacts the following as a by-law:

1. That the Schedule attached hereto shall form part of this by-law as 'Schedule A'; and
2. That the Clerk-Treasurer for the Township of Kerns is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law; and
3. That other 'animal' by-laws will continue to be enforceable and only items that conflict with this by-law are hereby repealed; and
4. That this by-law shall come into force and effect upon final passing thereof and remain in force and effect until such time as it is repealed by the Council of the Corporation of the Township of Kerns.

READ a FIRST, SECOND, and THIRD TIME and FINALLY PASSED this 5th day of September, 2023.





REEVE



CLERK

Certified True Copy



The Corporation of the Township of Kerns
Part I Provincial Offences Act
Schedule 'A' to
By-Law 2023-13

1 DEFINITIONS

- 1.1 **Capable Person** shall mean a person of sufficient size and status able to control and restrain a dog to such an extent that the physical well being of any person or animal is not threatened.
- 1.2 **Control** shall mean secured by a leash of not more than 1.5 metres in length under the supervision of a capable person.
- 1.3 **Officer** shall mean Police Officer, Officer, or By-Law Enforcement Officer of the Municipal Corporation of the Township of Kerns designated pursuant to the Provincial Offences Act.
- 1.3 **Owner** of a dog includes a person who possesses or harbours a dog, and if the owner is a minor, the person responsible for the custody of the minor.

2 GENERAL PROVISIONS

- 2.1 Every dog owner shall ensure that their dog does not run at large within the Municipality of the Township of Kerns
- 2.2 Any dog running at large may be seized and impounded, sold or destroyed.
- 2.3 For the purposes of this by-law a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of a capable person.
- 2.4 Every owner of a dog shall keep the dog leashed and under the control of a capable person when the dog is on land in the municipality other than that of the owner unless prior consent is given by the person owning the land on which the dog is found.
- 2.5 Every dog owner shall immediately remove excrement left by the dog anywhere in the Municipality other than the land of the owner.
- 2.6 No person shall keep, or permit to be kept any dog in a building, structure, pen or run unless it is at least 1 metre from the boundary of the property upon which it is located.

**The Corporation of the Township of Kerns
Part I Provincial Offences Act
Schedule 'A' to
By-Law 2023-13**

3 OBSTRUCTION

- 3.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 3.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

4 PENALTY

- 4.1 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*
- 4.2 Sections 2.1, 2.4, 2.5, and 2.6 of this By-law are deemed continuing offences pursuant to subsection 429(2) of the Municipal Act. For additional clarity, this means that a separate penalty may be imposed for any offence committed contrary to these sections for each day that the offence continues.

5 FINE

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permit dog to run at large	Sch. 'A', s. 2.1	\$50.00
2	Fail to keep dog leashed/under control	Sch. 'A', s. 2.4	\$50.00
3	Fail to remove dog excrement	Sch. 'A', s. 2.5	\$50.00
4	Permit dog to be kept within 1 metre of boundary line	Sch. 'A', s. 2.6	\$50.00

Note: The general penalty provision for the offences listed above is Schedule 'A' section 4.1 of by-law 2023-13, a certified copy of which has been filed.

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 PRINCIPALE RÉGIONALE
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

October 3, 2023

Krystle Seymour, Clerk-Treasurer
Township of Harley
903303 Hanbury Road
New Liskeard, ON
P0J 1P0

Dear Ms. Seymour:

***Re: Set Fines – Provincial Offences Act – Part I
Township of Kerns, Temiskaming District***

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-law No. 2023-13 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 Temiskaming District.

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

I have forwarded a copy of the Order and the schedule of the set fines to the Ontario Court of Justice in Haileybury.

Yours truly,

A handwritten signature in blue ink 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 Christine Leclair, Local Administrative Justice of the Peace

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October 3, 2023

Ms. Melissa Adams, Crown Counsel
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M7A 2S9

Dear Ms. Adams:

Re: Set Fines - Provincial Offences Act - Part I
Township of Kerns, Temiskaming District

Please find enclosed a copy of an Order dated October 3, 2023, and a copy of a letter to Krystle Seymour on behalf of the Township of Kerns.

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

Yours truly,

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

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/hrd

Enclosures

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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. 2023-13 of the Township of Kerns, Temiskaming District, attached hereto is the set fine, for those Offences. This Order is to take effect October 3, 2023.

Dated at the City of Greater Sudbury, this 3rd day of October, 2023.

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

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

TOWNSHIP OF KERNS
By-Law 2023-13: Animal Control
Part 1 Provincial Offences Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permit dog to run at large	Sch. 'A', s. 2.1	\$50.00
2	Fail to keep dog leashed/under control	Sch. 'A', s. 2.4	\$50.00
3	Fail to remove dog excrement	Sch. 'A', s. 2.5	\$50.00
4	Permit dog to be kept within 1 metre of boundary line	Sch. 'A', s. 2.6	\$50.00

Note: The general penalty provision for the offences listed above is Schedule 'A' section 4.1 of by-law 2023-13, a certified copy of which has been filed.

K. Busche