



REGULAR COUNCIL AGENDA

For the Corporation of the Town of
Espanola

Council Meeting

To Be Held On

Tuesday, May 9, 2017
Council Chambers
Municipal Building

100 Tudhope Street
7:30 pm



Espanola Council AGENDA

*For the Regular Meeting of the Town of Espanola
To Be Held On **Tuesday, May 9, 2017** at 7:30 p.m.
In The Council Chambers, Municipal Building*

- | | |
|-----------|--|
| 7:00 P.M. | SPECIAL MEETING OF COUNCIL
Council Chambers, 100 Tudhope Street |
| 7:30 P.M. | REGULAR MEETING OF COUNCIL
Council Chambers, 100 Tudhope Street |

Please note this meeting will be live streamed.

Disclosure of Pecuniary Interest and General Nature Thereof

PUBLIC HEARINGS

1. Notification under the Provisions of Notice Bylaw No. 2068/08, Notice of Public Hearing

Meeting for the purpose of receiving comments on the following request from the Espanola and Area Safety Coalition:

A temporary road closure be approved on Spruce St from Mead Blvd to Park St on Tuesday, May 30, 2017 between the hours of 11am and 2pm to accommodate a mock accident simulation. Park St and Mead Blvd are not to be affected or blocked by the closure nor shall the main entrance to the Espanola High School.

2. Notification under the Provisions of Bylaw No. 2068/08, Notice of Public Hearing

Meeting for the purpose of receiving comments on the following request from the Knight Cruisers Car Club to permit a Car Show on Saturday, May 27th, 2017 from 8:00 am to 4:00 pm at the Track and Field:

1. A temporary exemption from Municipal Bylaw No. 751/84, Section 14, being a bylaw to control the use of Municipally and Recreationally owned property 14. d) no person shall park any vehicle in any park, recreational area or on municipal property of the Town of Espanola except in those areas specifically designated by appropriate signs and notices as being areas in which vehicles may be parked.
2. Temporarily closing Avery Dr. from the Complex to Hunter St. to traffic with the exception of emergency vehicles on Saturday, May 27th, 2017 between the hours of 8:00 am to 4:00 pm to host the Knight Cruisers Car Show.
3. A temporary exemption from certain provisions of the Noise Bylaw No. 1189/96, on Saturday, May 27th, 2017 between the hours of 8:00 am to 4:00 pm. For an event being held outdoors at the Track & Field – The Knight Cruisers Car Show.

DELEGATIONS

None

QUESTION PERIOD

PART 1 - CONSENT AGENDA

Resolution Prepared Adopting Resolutions for
Items **A1** to **F5** inclusive contained in the Consent Agenda

- CA-008 -17 Be It Resolved That: Items A1 to F5 inclusive contained in Part 1, Consent Agenda be adopted.

Adoption of Minutes

A1 Regular Meeting of Council of April 24²⁵, 2017

A2 Special Meeting of Council of April 24²⁵, 2017

- 17-087 Be It Resolved That: The following Minutes are hereby accepted; Regular Meeting of Council of April 24²⁵, 2017; Special Meeting of Council of April 24²⁵, 2017.

Board and Committee Reports

B1 Corporate Services Committee Meeting Minutes of May 2, 2017

- 17-088 Be It Resolved That: The following Board and Committee Reports are hereby received; Corporate Services Committee Meeting Minutes of May 2, 2017.

Matters arising from the "In Camera Session"

None

Business Arising from Board and Committees

D1 Recommendation regarding Policy Amendments

- 17-089 Be It Resolved That: As Recommended by the Corporate Services Committee That: Amendments to Policy L07-01290 Land Disposition, H00-01842 Employee Code of Conduct, C08-01687 Council Code of Conduct and H14-01393 Conflict of interest be adopted as presented.

D2 Recommendation regarding Animal Control

- 17-090 Be It Resolved That: As Recommended by the Corporate Services Committee That: The Animal Control Bylaw be amended as presented.

Bylaws and Resolutions

The following bylaws will be read and passed.

E1 Bylaw No. 2780/17

- 17-091 A Bylaw of the Town of Espanola to confirm the proceedings of Council at its Meeting of April 24, 2017.

E2 Bylaw No. 2781/17

- 17- 092 A Bylaw of the Town of Espanola to Authorize an Agreement for Municipal Hazardous or Special Waste.

E3 Bylaw No 2782/17

- 17-093 A Bylaw of the Town of Espanola to Execute an Emergency Management Program and Committee.

Reports

F1 POA Department Departmental Report for January & February 2017

F2 Joint Health and Safety Committee Meeting Minutes of April 6, 2017

F3 Lacloche Foothills Municipal Association Meeting Minutes of April 3, 2017

F4 Town of Espanola Annual Report 2016 - Rainbow District Animal Control and Shelter Services & Quarterly Update for 2017

F5 Espanola Police Service 2016 Annual Report

- 17-094 Be It Resolved That: The following reports are hereby received; POA Department Departmental Report for January & February 2017; Joint Health and Safety Committee Meeting Minutes of April 6, 2017; Lacloche Foothills Municipal Association Meeting Minutes of April 3, 2017; Town of Espanola Annual Report 2016 - Rainbow District Animal Control and Shelter Services & Quarterly Update for 2017; Espanola Police Service 2016 Annual Report.

<p><u>PART II - REGULAR AGENDA</u></p>

Bylaws and Resolutions

G1 Recommendation regarding Road Closure

- 17-095 Be It Resolved That: See Public Hearing

G2 Recommendation regarding Knight Cruisers

- 17-096 Be It Resolved That: See Public Hearing

G3 Recommendation regarding 2017 Municipal Budget

- 17-097 Be It Resolved That: The 2017 Budget be adopted as presented.

Correspondence For Information Only

H1 Q1 Budget Variance Report

H2 Espanola Water Pollution Control Plant (full copies available at the Clerk's office)

Information

This information was previously circulated to Council. If required a copy of the information is available at the Municipal Office.

FONOM correspondence re: Federal Government's Commitment to Northern Ontario
FONOM Spring Newsletter
AMO Communications re: 2017 Provincial Budget
LAMBAC correspondence re: Trade Fair

Conference and Conventions

FONOM, Wednesday May 10th – Friday May 12th, 2017
North Bay, Ontario

Mayor and Councillor Reports and Announcements

Verbal

Future Council/Committee Meetings

Community Services Committee Meeting of May 16th @ 3:00 pm
Regular Meeting of Council of May 23rd @ 7:30 pm

Adjournment

Closed Meeting (if required)



**THE PUBLIC MEETING OF COUNCIL
OF THE TOWN OF ESPANOLA**

**Council Chambers
Municipal Office**

**April 25, 2017
7:30pm**

His Worship Mayor Pichepresided over the meeting.

Present: Councillor R. Dufour, K. Duplessis, R. Duplessis, B. Foster, S. Meikleham, R. Yocom

Staff: P. Roque, Clerk, C. Townsend, CAO/Treasurer, T. Denault-Roque, Recording Secretary

The Mayor advised that this meeting is being live streamed.

Disclosure of pecuniary interest and the general nature thereof.

Public Hearing None

Delegations/Petitions None

Question Period None

CONSENT AGENDA **CA-007-17R. Duplessis – R. Dufour**
Be It Resolved That: Items A1 to F5, contained in Part 1 Consent Agenda be adopted.

Carried

Items A1 **17-077 R. Dufour – R. Duplessis**
Minutes Be It Resolved That: The following Minutes are hereby accepted; Regular Meeting of Council of April 11, 2017.

Carried

Board and Committee Reports

Item B1 **17-078 R. Duplessis – R. Dufour**
Board and Be It Resolved That: The following Board and Committee
Committee Reports Reports are hereby received; Community Services Committee Meeting Minutes of April 18, 2017.

Carried

Discussion ensued.
Councillor Yocom explained that he had asked for the sidewalk plowing information to be placed on the Community Services Committee Agenda for review. He further stated new regulations from the Province regarding this item are

DRAFT

forthcoming.

Matters arising from the "In Camera Session"

None

Business Arising from Board and Committees

Item D1

**Municipal Hazardous
Waste or Special
Waste Service
Agreement**

17-079 R. Yocom – B. Foster

Be It Resolved That: As Recommended by the Community Services Committee That: The Town of Espanola enter into an agreement with Automotive Material Stewardship Inc. (AMS) for services related to the collection and management of Municipal Hazardous or Special Waste (MHSW), specifically automotive materials, and that an execution bylaw be adopted to record the agreement.

Carried

Item D2

**Emergency
Management
Program**

17-080 R. Yocom – B. Foster

Be It Resolved That: As Recommended by the Community Services Committee That: Council approve the Emergency Management Program and committee as submitted.

Carried

Bylaws and Resolutions

Item E1

Confirmatory Bylaw

17-081 K. Duplessis – R. Yocom

Be It Resolved That: Bylaw No 2779/17 be adopted, being a Bylaw of the Town of Espanola to confirm the proceedings of Council at its Meeting of April 11, 2017.

Carried

Item E2

**Bylaw to Authorize
the use of Vote by
Mail as an Alternative
Voting Method with
Optical Scanning Vote
Tabulators**

17-082 K. Duplessis – B. Foster

Be It Resolved That: Bylaw No. 2778/17 be adopted, being a Bylaw of the Town of Espanola to Authorize the use of Vote by Mail as an Alternative Voting Method with Optical Scanning Vote Tabulators.

Carried

Reports

Items F1 –F5

17-083B. Foster – R. Yocom

Be It Resolved That: The following reports are hereby received; FireDepartment Departmental Report for March 2017; Building Department Departmental Report for March 2017; Leisure Services Department Departmental Report for March 2017; Public Works Department Departmental Report for March 2017; Espanola Public Library Board Meeting Minutes of March 13, 2017.

Carried

PART II
REGULAR AGENDA
Bylaws and Resolutions

Item G1
Waste Collection
Contract Proposal

17-084 S. Meikleham – R. Duplessis

Be It Resolved That: Option 2 of the waste collection proposal be implemented with our service provider.

Carried

A discussion ensued.

Councillor R. Duplessis advised that he felt moving from 4 bags to 2 bags would increase the occurrences of illegal dumping. He further stated that the potential savings of \$6,700 would not justify going from 4 bags to 2 bags. He suggested that the Town strive to educate the public on doing more recycling. Councillor Meikleham agreed with the notion of educating the public, however he stressed that the municipality needs to be environmentally conscientious moving forward.

Councillor Yocom stated that he supported the motion. He referred to the study that has been completed that indicates 50% of residents put out 2 bags or less for garbage pickup. The Waste Free Ontario Act that is coming will be very onerous and the clear bag policy will be forced on the municipality. He also stated that municipalities that have switched to clear bags have seen instant increases to recycling. If municipalities increase recycling, this means an increase of funding from the province.

Further discussion took place on the possibility of the tag system and renewal options, increasing the amount of privacy bags to 1 per clear bag.

Councillor K. Duplessis stated his concerns were the amount of privacy bags allowed as well as the weight of the bags.

Councillor Yocom further advised that the province has a toolkit that would be a good system to follow. It recommends that a soft start up be done when implementing these changes.

Councillor Dufour stated he didn't think we should be jumping into these changes because the government hasn't implemented any new legislation yet. He was concerned with where the extra garbage would end up if a reduction in bags were implemented, the possibility of bears and rodents being attracted to Town and the cost to dispose of additional waste. Councillor Yocom stated that there are no comments from other municipalities implementing these changes regarding bears or rodents, he stated the program works. He further commented that the Waste Free Ontario Act is coming, and the government is not leaving anything to guess; the municipality should be in front of it. He also reiterated that the municipality would see a savings of \$6,700 as well as additional revenue from increased recycling.

It was the consensus of Council to use a phased in approach of while implementing these changes.
Councillor R. Duplessis requested a recorded vote.

RECORDED VOTE

	For	Against
Mayor R. Piche	✓	
R. Dufour	✓	
K. Duplessis	✓	
R. Duplessis	✓	
B. Foster	✓	
S. Meikleham	✓	
B. Yocom	✓	

Item G2
Leaf and Yard Waste
Pilot Project

17-085 R. Duplessis – S. Meikleham

Be It Resolved That: The Public Works Department conduct a pilot project of the expansion of leaf and yard waste services.

Carried

A discussion ensued.

Council was in support of this motion. It was stated that precautions must be put in place to ensure a successful event and rubbish is not left behind.

Item G3
Wind Power

17-086S. Meikleham – R. Duplessis

Be It Resolved That: Council for the Town of Espanola hereby supports the resolution adopted by the Council of the municipality of Dutton Dunwich regarding the government halting all wind power approvals in unwilling host communities.

Carried

Councillor Yocom stated he asked for the resolution to be placed on the agenda. He felt it was unfair that the province was dictating what municipalities are able to do.

Correspondence For Information Only

None

Information

This information was previously circulated to Council. If required a copy of the information is available at the Municipal Office.

Mike Mantha correspondence re: Hydro petition
Correspondence re: CWWF

Conference and Conventions

FONOM, Wednesday May 10th – Friday May 12th, 2017
North Bay, Ontario

Mayor and Councillors Reports and Announcements

- Fundraising Breakfast** It was stated that the fundraising breakfast to help a local family was well attended and very successful.
- Cemetery** The Chair of Community Services was asked to review the details of erecting a cremation of ashes container at the cemetery.
- HHWD** Residents were reminded that the HHWD would be taking place on Saturday April 29th
- Home Inspections** Residents were advised that the Espanola Fire Fighters will be conducting their annual home inspections for the month of May.
- Volunteer Firefighters** Espanola Volunteer Firefighters received recognition for their continued support of Muscular Dystrophy
- Notice of Motion** Councillor Meikleham advised that he will be out of the country doing humanitarian work from the end of May to first part of July. He asked if he required a notice of motion or if this notice is sufficient. The Clerk advised either route is acceptable and if he wanted the notice of motion to be heard tonight, Council would have to agree.
Councillor R. Duplessis moved that Councillor Meikleham's motion be heard tonight and he be granted a LOA, Councillor Dufour seconded the motion.

R. Duplessis – R. Dufour

Be It Resolved That: Councillor Meikleham be granted a leave of absence from the end of May until the first part of July, 2017.

Carried

Future Council Meetings

Corporate Services Committee Meeting of May 2nd @ 3:00 pm
Special Meeting of Council of May 9th @ 7:00 pm
Regular Meeting of Council of May 9th @ 7:30 pm

Adjournment

K. Duplessis – S. Meikleham

Be It Resolved That: The Regular Meeting of Council is hereby adjourned. Time:8:06pm

Carried

Ron Piche
Mayor

Paula Roque
Clerk

**SPECIAL MEETING OF COUNCIL
OF THE TOWN OF ESPANOLA**

**Council Chambers
Municipal Office**

**April 25, 2017
7:55 pm**

Mayor Piche presided over the meeting.

Present:

Councillors: R. Dufour, K. Duplessis, R. Duplessis, B. Foster, B. Yocom, S. Meikleham

Staff: P. Roque, Clerk; C. Townsend, CAO/Treasurer; T. Denault-Roque, Recording Secretary

In Camera

1. R. Duplessis – R. Dufour

Under authority of Section 26.1.3 of Bylaw No. 2062/08, Committee goes into an "in camera" session for the purpose stated in Section 239.2 of the Municipal Act.

☐ The security of the property of the municipality or local board;

☒ personal matters about an identifiable individual, including municipal or local board employees;

☐ a proposed or pending acquisition or disposition of land by the municipality or local board;

☒ labour relations or employee negotiations;

☐ litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

☐ advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

☐ a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act, 2001, c. 25, s. 239 (2).

Time: 8:10 pm

Carried

**Succession
Planning**

A discussion ensued. Council provided direction to Staff with respect to succession planning.

**Resume Special
Meeting**

2. R Dufour – E. Duplessis

Be It Resolved That: The Special Meeting of Council hereby resumes. Time: 8:37 pm

Carried

**Wall of Fame
Committee**

3. S. Meikleham – K. Duplessis

Be It Resolved That: Rosalind Russell, Art Shannon and Councillor Dufour with Councillor Meikleham as the alternate, be appointed to the Wall of Fame Committee.

Carried

Non-Union Salaries

4. R. Duplessis – S. Meikleham

Be It Resolved That: The salary grid be adjusted by 1.25% retroactive to January 1st, 2017 and the increase for 2018 be set at 1.35%.

Carried

Adjournment

S. Meikleham – B., Foster

Be It Resolved That: The Special Meeting of Council is hereby adjourned. Time: 8:35pm

Carried

Ron Piche
Mayor

Paula Roque
Clerk

Unapproved



CORPORATE SERVICES COMMITTEE MEETING

Tuesday, May 2, 2017

3:00 pm

**Main Level Boardroom
Municipal Building**

Chair K. Duplessis presided over the meeting.

Disclosure of pecuniary interest and general nature thereof.

Present:

Mayor Piche, Councillor B. Foster; Councillor R. Duplessis
Municipal Officials, C. Townsend, CAO/Treasurer; P. Roque, Clerk/Manager
of Planning Services; C. Tessier, Manager of Financial Services; T.
Denault-Roque, Recording Secretary

Richard Paquette, Rainbow District Animal Shelter

The Chair of the Committee stated that Animal Control agendas items
would be discussed first.

The Clerk introduced Mr. Richard Paquette of Rainbow District Animal
Control to the Committee.

A discussion ensued regarding clarification on cat control.

It was stated that the Poop and Scoop Bylaw has been incorporated into
the Animal Control Bylaw, allowing both Police and Animal Control to
enforce it.

Animal Control

1. B. Foster – R. Piche

Be It Resolved That: As Recommended by the Corporate Services
Committee That: The Animal Control Bylaw be amended as presented.

Carried

Mr. Paquette left the meeting at 3:10 pm.

Departmental Report

The Committee received the POA Departmental Report for January and
February 2017.

**Q1 Budget Variance
Report**

The Committee received the Q1 Budget Variance Report.

Policy Amendments

2. R. Piche – B. Foster

Be It Resolved That: As Recommended by the Corporate Services
Committee That: Amendments to Policy L07-01290 Land Disposition,
H00-01842 Employee Code of Conduct, C08-01687 Council Code of
Conduct and H14-01393 Conflict of Interest be adopted as presented.

Carried

A discussion ensued.

The CAO stated that these changes were put into place upon the
recommendations of the Ombudsman.

In Camera

3. R. Piche – B. Foster

Under authority of Section 26.1.3 of Bylaw No. 2062/08, Committee goes into an "in camera" session for the purpose stated in Section 239.2 of the Municipal Act.

- ☐ The security of the property of the municipality or local board;
- ☐ personal matters about an identifiable individual, including municipal or local board employees;
- ☐ a proposed or pending acquisition or disposition of land by the municipality or local board;
- ☒ labour relations or employee negotiations;
- ☐ litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- ☐ advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- ☐ a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act, 2001, c. 25, s. 239 (2).

Time: 3:18 p.m.

Carried

Resume Meeting

4. R. Duplessis – R. Piche

Be It Resolved That: The Corporate Services Committee is hereby adjourned. Time: 3:30 pm

Carried

Staff was directed to bring the FOI Policy to the next Corporate Services Committee Meeting.

Adjournment

R. Piche – B. Foster

Be It Resolved That: The Corporate Services Committee Meeting is hereby adjourned.

Time: 3:35 pm

K. Duplessis
Chair

P. Roque
Clerk



CORPORATE SERVICES COMMITTEE

Moved By: [Signature]

Date: May 2, 2017

Seconded By: [Signature]

Motion No.: 1

Be It Resolved That: As Recommended by the Corporate Services Committee That:

Amendements to Policy L07-01290 Land Disposition, H00-01842 Employee Code of Conduct, C08-01687 Council Code of Conduct and H14-01393 Conflict of Interest be adopted as presented.

CARRIED ✓

DEFEATED

[Signature]
Chair

**RECORDED VOTE
INTEREST**

For Against

Mayor R. Piche	<u> </u>	<u> </u>
B. Foster	<u> </u>	<u> </u>
K. Duplessis	<u> </u>	<u> </u>
R. Duplessis	<u> </u>	<u> </u>

DECLARATION OF PECUNIARY

Mayor R. Piche	<u> </u>
B. Foster	<u> </u>
K. Duplessis	<u> </u>
R. Duplessis	<u> </u>

AGENDA #2

Department: Legal Affairs	Policy Number: L07-01290
Subject: Land Disposition	Effective Date: 14/03/06
Bylaw No:	Revision Date: 13/12/16
	Version #: 2

Purpose:

To develop procedures for land acquisition and sale of municipal property.

Definitions:

Fair Market Value: the most probable price which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests.

Non-viable Land: a parcel(s) of land being disposed of, by means of a land exchange, for municipal or other government purposes. Non-viable property shall also include a parcel of land, which on its own, would not be eligible for a building permit and the leasing of municipally owned land or buildings for a term of less than 21 years.

Viable Land: a parcel of land, which on its own, would be eligible for a building permit, or can be assembled with other land to increase the development or redevelopment potential of the whole, and includes any parkland or part of any park.

Policy:

1. *The Municipal Act, 2001* Section 270 (1) requires that a municipality shall adopt and maintain policies with respect to its sale and other disposition of land.
2. Before selling any viable land, the municipality shall;
 - a) circulate a request for comment to Department Managers.
 - b) by resolution declare the land to be surplus.
 - c) obtain at least one appraisal of the land, and
 - d) give notice to the public of the proposed sale via municipal website posting, newspaper advertisement or real estate listing.
3. The municipality shall maintain a public register listing describing the land owned by the municipality.
4. Availability of land will be posted on the municipal website and if deemed necessary a local real estate office may be engaged to sell land, this practice constitutes giving notice of the proposed sale
5. Subsequent to an opinion of value, Council establishes the purchase price of municipal land based on Fair Market Value and;

Department: Legal Affairs	Policy Number: L07-01290
Subject: Land Disposition	Effective Date: 14/03/06
Bylaw No:	Revision Date: 13/12/16
	Version #: 2

- a) that any purchaser interested in land submit an offer to purchase to the Clerk
- b) that the offer shall include a 10% deposit (cheque) of the purchase price
- c) that the purchaser absorb their own legal fees associated with land
- d) that the municipality complete the transaction and absorb the legal fees for sale and where required the creation of the parcel of land upon receipt of an offer

6. Procedure for sale of land for tax arrears is described in the *Municipal Act*.

7. Terms of Disposition and Exemptions

- a) A Council Bylaw is required to execute the sale of municipal property.
- b) Notwithstanding that the Terms of Disposition have been followed, that one or more interested parties may present to Council an Offer to Purchase the real property, Council shall have the absolute discretion to accept any proposal to purchase the land, to judge the acceptability of any terms or conditions therein and to judge the sufficiency of acceptability of any consideration proposed by a potential purchaser.
- c) The sale of municipal property does not obligate or bind Council to approve amendments with respect to the provisions set out in the *Ontario Planning Act*.
- d) The Town will not be responsible for errors and omissions as a result of information provided by a third party or interpreted on behalf of a third party.
- e) Notwithstanding sections a) and b), non-viable lands are exempt from the declaration and notice provisions of this policy, and can therefore be sold by the Town without the need to declare intent to sell or give notice, unless otherwise directed by Council.
- f) All of the Town's costs with respect to the disposition of non-viable property save and except land exchanges for municipal purposes, shall be recovered from the purchaser or lessee, unless, in the sole opinion of the Town, it is desirable to waive this requirement. In addition, the applicant may be required to enter into an agreement to the satisfaction of the Town Solicitor and pay a deposit toward the expected costs to be incurred by the Town.

8. Sale of Property to Municipal Employees / Elected Officials

Department: Legal Affairs	Policy Number: L07-01290
Subject: Land Disposition	Effective Date: 14/03/06
Bylaw No:	Revision Date: 13/12/16
	Version #: 2

- a) Municipal property may be sold to municipal employees or elected officials, or to members of their families, provided the requirements of all bylaws, policies and procedures regarding the sale of municipal property are satisfied, and provided the sale is approved by Council.
- b) The sale of all municipal property shall require written confirmation by the purchaser indicating whether the purchaser is, or is not, an employee or elected official of the Town, or a member of their family; and whether any person having a controlling interest in an organization acquiring municipal property is an employee or elected official of the Town.

Department: All Departments	Policy Number: H00-01842
Subject: Employee Code of Conduct	Effective Date: 13/12/16
Bylaw No: 2755/17	Revision Date:
	Version #: 1



EMPLOYEE CODE OF CONDUCT

Policy Statement

The Town of Espanola is committed to the principles of integrity, ethical behaviour, accountability and transparency and endeavours to maintain the highest level of public confidence in all that we do. Through staff commitment and effort we are able to demonstrate our values, deliver quality public service and strive to achieve the Town's vision to make the Town of Espanola a safe, healthy community in which to live, work and thrive.

This Code of Conduct (the "Code") clarifies the municipality's expectations of its employees and affirms our commitment to caring for our community's needs and maintaining fiscal responsibility on behalf of the public. It provides a guide for consistent behaviour in delivering municipal services. Contravention of this Code is a serious matter to the Town and the public, and will be treated as such.

EMPLOYEE RESPONSIBILITY

Employees of the Town of Espanola are ambassadors for the municipality and are expected to reflect a professional image at all times. They must follow the highest standards of ethical behaviour in the course of their work to ensure that public confidence and trust is maintained.

As employees, we are accountable to the Town and the citizens of Espanola and are responsible for the assets entrusted to us. It is with this in mind that every Town employee is expected to comply with the Code of Conduct in addition to existing Corporate Policies and Procedures that govern employee behaviour.

PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standards for the behaviour of municipal employees in carrying out their duties. It has been developed to assist municipal employees to:

1. Understand the standards of conduct that are expected of them;
2. Act in a way that enhances public confidence in providing municipal services;
and
3. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

A. STANDARDS OF CONDUCT

1. Municipal Employees shall at all times seek to advance the common good of the community which they serve.
2. Municipal Employees shall truly, faithfully and impartially carry out the will and decisions of Council to the best of their knowledge and ability.
3. Municipal Employees shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, municipal employees shall refrain from contact that:
 - a. Contravenes Federal or Provincial statutes or legislation, the Municipal Act, Municipal bylaws, associated regulations and the Municipality's Code of Conduct.
 - b. Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - c. Prejudices the provision of a service or services to the community.
 - d. Uses information acquired through their official duties and not available to the general public for a personal advantage or pecuniary interests during or after their employment.

This Code of Conduct is supplemental to the existing statutes and corporate policies governing the conduct of municipal employees:

Statutory Provisions Regulating Conduct

- a. Municipal Act, 2001, s.223.2(1), as amended;
- b. Municipal Freedom of Information and Protection of Privacy Act;
- c. Human Rights Code;
- d. The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009; and
- e. The Criminal Code of Canada

Corporate Policies Regulating Conduct

- a. Attendance and Punctuality H01-01356;
- b. Respect In the Workplace H04-01615;
- c. Discipline Policy H05-01374;
- d. Hiring Policy H11-01282;
- e. Confidentiality Policy H13-01391;
- f. Conflict of Interest H14-01393;
- g. Corporate Communications Policy C12-01279; and
- h. CUPE Local 534 or 4705 Contract where applicable.

B. CONDUCT TO BE OBSERVED

1. General Personal Conduct:

Municipal employees shall:

- a. perform their duties with integrity, honesty, and respect;
- b. be polite and courteous at all times;
- c. treat others equitable and fairly;
- d. accept responsibility for their actions, behaviour and impact on others;
- e. ensure that no person suffers reprisal as a result of making a complaint, or for providing information in support of conflict resolution;
- f. Contact one of the following resources for assistance in effectively dealing with conflict: supervisor or manager; Clerk or CAO/Treasurer;
- g. Inform immediate supervisor of threat or violence.

2. Conduct Respecting Council and the Corporation

Municipal employees shall:

- a. Conduct their relations between themselves and Councillors in a polite and respectful manner and should always be civil based on mutual respect;
- b. Uphold the integrity of Council and its decisions;
- c. Refrain from making public statements on Municipal Policy and/or Council decisions;
- d. Remain neutral in their service to all Councillors.
- e. Employees are expected to support policies, programs and decision of the Town and not publicly criticize the Town as an institution or employer, such that the public's perception is adversely affected. All employees have a general right to freely express opinions on matters of public policy; however this right is limited by an employee's employment relationship. Public criticism may include, but is not limited to: letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.
- f. Employees should direct inquiries from individual Councillors and other elected officials to a member of senior management, or obtain senior management approval prior to contacting Councillors or other elected officials to provide information about a particular matter.

3. Outside Activity

Outside Activities conducted by municipal employees, whether consisting of employment for profit or participation in non-profit activities, are permitted under the Conflict of Interest Policy H14-01393; in addition employees must ensure the following:

- a. There must be no conflict of interest with the Employee's official duties;
- b. Outside activities must occur outside the employee's working hours with the Town of Espanola;
- c. There must be no adverse effect on the community or the ability of the employee or other staff to perform their duties and functions;
- d. Respect the status of confidential or "insider" information so as not to cause detriment to the Corporation, Council, themselves or fellow employees.

4. Use of Public Resources

- a. Employees of the Corporation shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which he/she is aware.
- b. Employees shall not use municipal property, equipment and supplies or services owned or leased by the Town for personal gain.

5. Use of Municipally Owned and Leased Vehicles

- a. Municipal vehicles are not to be used for any purpose other than authorized municipal business.
- b. Municipal vehicles are not to be driven by anyone other than an authorized and properly licenced Town employee.
- c. Passengers shall be limited to Town employees and individuals directly associated with municipal work activity (ex. Member of Council, Committee Members, consultants, contractors, volunteer firefighter, etc).
- d. Non-work related individuals including family members of an employee shall not be transported in a municipal vehicle.
- e. Municipal vehicles are to be operated at all times in accordance with the Highway Traffic Act and Municipal Bylaws. Penalties associated with any violation are the responsibility of the operator of the vehicle.
- f. In the event that an employee's licence is suspended or revoked, he/she must notify their supervisor immediately.

6. Conflict of Interest

Employees will conform to the Corporate Conflict of Interest Policy H14-01393 where the following has been stipulated:

- a. An employee will be considered to have a conflict of interest where he or she or a member of his or her family has a direct or indirect financial interest in a contract or proposed contract with the Town, and where the employee could influence the decision made by the Town with respect to the contract. A conflict exists where an employee could directly influence the decision made in the course of performing his job duties, and also where he could indirectly influence the decision through exerting personal influence over the decision maker.
- b. It is the employee's responsibility to identify and report any possible or actual conflicts of interest to their supervisor, regardless of whether or not the employee benefits from it.

7. Media and Public Relations

Communications with the media and public will be conducted so that all information originates from a qualified, informed and approved spokesperson, as per Corporate Communications Policy C12-01279 and Webpage Policy M10-01326.

- a. Employees shall not compromise the Municipality's interests in any way, by personal use of letterhead, email addresses or Facebook posts.
- b. Employees shall use sound judgment and common sense in using social media and ensure that all social media use conforms to this Code of Conduct as well as corporate values and sound business practice.
- c. If you repost something written by someone else, ensure you have the proper permission to do so. Do not use copyrights, trademarks, publicity rights or other rights of others without the necessary permissions of the rightholder(s).
- d. Do not discuss situations involving named or pictured individuals without their permission.
- e. You have an obligation to ensure that posts are accurate and not misleading and that they do not reveal non-public information about the Town of Espanola.

8. Interpersonal Behaviour of Municipal Employees

- a. Treat Every Person with Dignity, Understanding and Respect

All Municipal employees shall abide by the provisions of the *Human Rights Code* and the *Respect In the Workplace Policy H04-01615*, and shall treat every person including Members of Council, Committees, Boards, municipal employees, individuals providing services on a contract basis and the public with dignity, understanding and respect for the right to equality and the right to an environment that is safe and free from harassment and discrimination.

Employees found in contravention will be subject to Discipline Policy H05-01374.

9. Protection of Privacy

- a. All employees shall comply with the Municipal Freedom of Information and Protection of Privacy Act at all times. Public comments, discussions and disclosures to the media regarding employees or individuals that breach a person's privacy is deemed to be a contravention of this Code of Conduct.

10. Compliance with the Code of Conduct

- a. Municipal employees are encouraged to seek clarification from the supervisor if they are uncertain as to whether an existing or contemplated action may contravene the Code of Conduct.
- b. Complaints or inquiries concerning the conduct of any municipal employee shall be made in writing to your supervisor or the CAO/Treasurer. Complaints or inquiries concerning the CAO/Treasurer shall be submitted to the Clerk. The Clerk will consult with the Mayor and the Municipal Human Resource Consultant will be engaged.
- c. All complaints or inquiries will be treated as confidential.
- d. A copy or summary of any written or oral complaint received is to be sent immediately to the employee complained against with a request to provide a response.
- e. The CAO/Treasurer or designate shall investigate all complaints or inquiries concerning the conduct of a municipal employee.
- f. The employer shall summarize the findings of the investigation in written form and present to the employee complained against, the findings and the appropriate course of action to be taken.
- g. Where an employee is found to have breached the Code of Conduct the employer shall take disciplinary action in accordance with the Discipline Policy H05-01374.

- h. Former Municipal employees are bound by the Municipal Confidentiality Policy H13-01391.
- i. This Policy supports but does not replace the rules of professional conduct or ethics set out by professional designations.

ACKNOWLEDGEMENT
Appendix 'A'

SIGNATURE

The undersigned Town of Espanola Employee, hereby acknowledges receipt of a copy of Policy H00-01842, Code of Conduct for Municipal Employees.

Signature of Employee

Acknowledgement of Receipt of Code of Conduct Policy

Date of Signature

PRINT NAME

NOTE:

The Employee acknowledges that a copy of Policy H00-01842 containing the Code of Conduct Policy for Municipal Employees was provided to them. One signed copy of the "**ACKNOWLEDGEMENT**" was returned to the CAO/Treasurer to be placed in the Employee File and the Employee retained a complete copy of the Policy.

Department: Council	Policy Number: C08-01687
Subject: Code of Conduct	Effective Date: 22/03/16
Bylaw No: 2704/16	Revision Date:
	Version #: 1



Policy Statement

Local government is an open, accessible, and accountable form of government. The relationship of public trust and mutual respect that has evolved between government and the public requires high standards of ethical conduct by municipal council members.

This Code of Conduct clarifies the municipality's expectations of its elected officials and Board and Committee Members and affirms our commitment to caring for our community's needs and maintaining fiscal responsibility on behalf of the public. It provides a guide for consistent behaviour in delivering governance and services. Contravention of this Code is a serious matter to the Town and the public, and will be treated as such.

ROLES AND OBLIGATIONS

Role of Council (as noted in the *Municipal Act, 2001* as amended, Section 224)

- a) to represent the public and to consider the well-being & interests of the municipality;
- b) to develop and evaluate the policies and programs of the municipality;
- c) to determine which services the municipality provides;
- d) to ensure that administrative policies, practices, and procedures and controllership policies, practices and procedures are in place to implement the decisions of the Council;
 - d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- e) to maintain the financial integrity of the municipality; and
- f) to carry out the duties of Council under this or any other Act.

Role of Head of Council (as noted in the *Municipal Act, 2001* as amended, Section 225)

- a) to act as Chief Executive Officer of the municipality;
- b) preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to provide leadership to the Council;
- d) without limiting clause iii), to provide information and recommendations to the Council with respect to the role of Council described in Section 224 (d) and (d.1) of the *Municipal Act, 2001*, as amended
- e) to represent the municipality at official functions; and
- f) to carry out the duties of the head of Council under this or any other Act.

Role of Officers and Employees (as noted in the *Municipal Act, 2001*, as amended, Section 227)

- a) to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;
- b) to undertake research and provide advice to Council on the policies and programs of the municipality; and
- c) to carry out other duties required under this or any Act and other duties assigned by the municipality.

A. PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets minimum standards for the behaviour of Members of Council, Local Boards and Committees in carrying out their functions. It has been developed to assist Council, Local Boards and Committees to:

- 1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
- 2. Fulfill their duty to act honestly and exercise reasonable care and diligence;
- 3. Act in a way that enhances public confidence in local government; and
- 4. Identify and resolve situations which might involve a conflict of interest or a potential misuse of position and authority.

B. STANDARDS OF CONDUCT

- 1. Council, Local Boards and Committee Members shall at all times seek to advance the common good of the community which they serve.
- 2. Council, Local Boards and Committee Members shall truly, faithfully and impartially exercise the office to the best of their knowledge and ability.
- 3. Council, Local Boards and Committee Members shall refrain from behaviour that could constitute an act of disorder or misbehaviour. Specifically, Council, Local Boards and Committee Members shall refrain from conduct that:
 - a. Contravenes Federal or Provincial statutes or legislation, the Municipal Act, Municipal bylaws, associated regulations and the Municipality's Code of Conduct.
 - b. Is an abuse of power or otherwise amounts to discrimination, intimidation, harassment, verbal abuse, or the adverse treatment of others.
 - c. Prejudices the provision of a service or services to the community.
 - d. Divulges information that is misleading, known not to be entirely factual or misrepresents Council in anyway.
 - e. Uses information acquired through their official duties and not available to the general public for a personal advantage or pecuniary interests during or after their employment.

4. Statutory Provisions Regulating Conduct

This Code of Conduct is supplemental to the existing statutes governing the conduct of Council, Local Boards and Committee Members:

- a. *Municipal Act, 2001, s.223.2(1)*, as amended;
- b. *Municipal Conflict of Interest Act*;
- c. *Municipal Elections Act, 1996*, as amended;
- d. *Municipal Freedom of Information and Protection of Privacy Act*;
- e. *Human Rights Code*;
- f. *The Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009*; and
- g. *The Criminal Code of Canada* also governs the conduct of Members of Council.

C. CONDUCT TO BE OBSERVED

1. Conduct at Meetings:

Council, Local Boards and Committee Members shall act in accordance with the Municipal Procedure Bylaw.4.2

2. Conduct Respecting Others:

As a representative of the Town of Espanola, every member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment.

- a. A member shall not use indecent, abusive, or insulting words or expressions toward any other member, any member of staff or any members of the public.
- b. A member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status or disability. The Ontario Human Rights Code applies, as well as the Town of Espanola's Respect in the Workplace Policy H04-01615.

3. Conduct Respecting Staff:

Council, Local Boards and Committee Members shall be respectful of the role of staff to serve the Corporation as a whole under the overall direction of the CAO / Treasurer and to provide advice based on political neutrality and objectivity, free from undue influence.

- a. A member shall be respectful of staff's professional capacities and responsibilities.
- b. A member shall not maliciously or falsely injure or impugn the professional or ethical reputation of a member of staff.
- c. A member shall not compel a member of staff to participate in partisan political activities.

- d. A member shall not use influence, authority, intimidation, threats or coercion to improperly influence any member of staff.
- e. A member shall not interfere with any member of staff in the performance of the staff member's duties, including the duty to disclose improper activity.

4. Conduct Respecting the Municipality and the Decision Making-Process:

Council, Local Boards and Committees Members shall accurately and adequately communicate the decisions of Council, or of the Board, even when he or she was not in the majority or in favour of the decision.

- a. A member shall respect the decision-making process.
- b. A member shall encourage respect for the Municipality and its Bylaws and Policies.

5. Engaging in Incompatible Activity

Council, Local Boards and Committee Members may not engage in any outside work or business activity that conflicts with their duties as a member of Council, Local Board or Committee; which uses their knowledge of confidential plans, projects, or information about the holdings of the Corporation; and that will or is likely to, negatively influence or affect them in carrying out their duties as a member of Council, Local Board or Committee.

Council, Local Boards and Committee Members shall not engage in any activity, financial or otherwise, which is incompatible or inconsistent with the ethical discharge of official duties in the public interest.

Without limiting the generality of the foregoing, Council, Local Boards and Committee Members shall not:

- a. Use any influence of office for any purpose other than official duties;
- b. Act as an agent on behalf of another party, before Council or any committee, board or commission of Council;
- c. Solicit, demand or accept the services of any corporation, employee, or individual providing services to the municipality at a time in which said person or corporation is being paid by the municipality;
- d. Use any information gained in the execution of office that is not available to the general public for any purpose other than for official duties;
- e. Give preferential treatment to any person or organization in which a Member or Members have a financial interest;
- f. Influence any administrative or Council decision or decision-making process involving or affecting any person or organization in which a Member or Members have a financial interest;

6. Use of Public Resources

Council, Local Boards and Committee Members shall avoid waste, abuse and extravagance in the provision or use of public resources, and shall expose fraud and corruption of which the Member is aware.

7. Conflict of Interest

It is the responsibility of individual Councillors to ensure that they are aware and trained in the application of the *Municipal Conflict of Interest Act* (MCIA) (e-laws: <http://www.e-laws.gov.on.ca/index.html>). The onus is on the Councillor to identify and declare a conflict of interest.

- a. Members shall recognize their obligations to follow and respect the provisions of the *Municipal Act* and the *Municipal Conflict of Interest Act*, as amended.
- b. Members shall comply with the *Municipal Conflict of Interest Act* and must not accept a gift or personal benefit that is connected with their performance of the duties of office. This does not include gifts or personal benefits received as a matter of the protocol or social obligations that normally accompany the responsibility of public office.

8. Social Media

Social Media is one of many communication tools and it provides a unique opportunity to interact with some constituents. Elected Officials should use sound judgment and common sense in using social media and should ensure that all social media use conforms to this Code of Conduct as well as corporate values and sound business practice. The following guidelines must also be adhered to:

- a. If you re-post something written by someone else, ensure you have the proper permission to do so. Do not use copyrights, trademarks, publicity rights or other rights of others without the necessary permissions of the rightholder(s);
- b. Do not post information about the Town of Espanola that is discussed in closed session and do not post private or confidential information about fellow Councillors, Local Board, Committee Members or Town Employees;
- c. Do not discuss situations involving named or pictured individuals without their permission and do not post anything that you would not present in a public forum;
- d. You have an obligation to ensure that posts are accurate and not misleading and that they do not reveal non-public information about the Town of Espanola. If in doubt as to whether the post reveals non-public information about the Town, do not post as remember once information is published online it may become part of a permanent record.;

- e. Do not use Social Media during a Council, Local Board or Committee Meeting;
- f. Do not forget that decisions and resolutions made by Council will normally be communicated to the community and the media by the Mayor as Head of Council or by those so designated.
- g. For the most part, comments and messages posted to the Town's official social media sites or services are considered transitory records and will not be kept as a permanent record by the Town of Espanola.
- h. Use of a Town associated email address, communicating in an official capacity, or discussing Town business; on personal or corporate social media sites or services and/or personal websites will constitute conducting Town business and will be required to conform to this Code of Conduct as well as corporate values.

D. COMPLIANCE WITH THE CODE OF CONDUCT

Council, Local Boards and Committee Members are accountable to the public through the four-year election process or by Council appointment. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act.

In addition to any other consequence imposed by law, Section 223.3 of the *Municipal Act, 2001* authorizes Council to impose either of two penalties on a Council, Local Board and Committee Member following a report by the Integrity Commissioner that, in his / her opinion, there has been a violation of the Code of Conduct:

- reprimand; or,
- suspension of the remuneration paid to the Member in respect of his or her services as a Council, Local Board or Committee Member, as the case may be, for a period of up to 90 days

The Council shall appoint an Integrity Commissioner to investigate alleged breaches of this Code.

An individual, organization, employee, Member of Council or member of the public who believes they have reasonable grounds that a Member has breached this Code, may proceed with a complaint and request an inquiry. Complaints must be submitted no more than 6 months after the alleged violation occurring. No action will be taken on a complaint received beyond this deadline. Refer to Policy M04-01686 for the Integrity Commissioner Review/Complaint Process.

ACKNOWLEDGEMENT
Appendix 'A'

SIGNATURE

The undersigned Member of Council, Local Board or Committee, hereby acknowledges receipt of a copy of Bylaw 2704/16, Code of Conduct for Council, Local Boards and Committee Members.

**Signature of Council, Local Board or
Committee Member**

Acknowledgement of Receipt of Code of Conduct Policy

Date of Signature

PRINTED NAME

NOTE:

The Council, Local Board or Committee Member acknowledges that a copy of Bylaw 2682/15 containing the Code of Conduct Policy for Council, Local Board or Committee Member was provided to the Member. One signed a copy of the "**ACKNOWLEDGEMENT**" was returned to the CAO / Treasurer and the Council, Local Board or Committee Member retained a complete copy of the Bylaw.

Department: Human Resource	Policy Number: H14-01393
Subject: Conflict of Interest	Effective Date: 10/04/27
Bylaw No:	Revision Date:
	Version #: 1

Purpose:

To prevent employees from engaging in activities that conflict with the Town of Espanola's best interests.

Policy:

Definition

A conflict of interest refers to a situation in which an employee has private interests that could compete with or that may be perceived to compete with their duties and responsibilities as an employee.

A conflict of interest can also be a situation where an employee can use their position for private gain or expectation of private gain, non-monetary or otherwise. A conflict may also occur when the private interest benefits an employee's family, friends or organizations in which the employee or their family or friends have a financial interest.

General

1. In some situations, an employee's personal or business activity and interests may be in conflict with those of the municipality. In order to prevent such disruptions to the Town's best interests, an employee must abide by the conflict of interest guidelines.
2. It is the employee's responsibility to identify and report any possible or actual conflict of interest, regardless of whether or not the employee benefits from it.
3. Any exception to this policy is at the discretion of the municipality and must be in writing and approved in advance.
4. An employee will be considered to have a conflict of interest where he or she or a member of his or her family has a direct or indirect financial interest in a contract or proposed contract with the Town, and where the employee could influence the decision made by the Town with respect to the contract. A conflict exists where an employee could directly influence the decision made in the course of performing his job duties, and also where he could indirectly influence the decision through exerting personal influence over the decision maker.
5. If a potential conflict exists because of an employee's personal or family interest in a property matter, a business dealing with the Town, or similar circumstance, the employee must advise his or her supervisor of the

situation, in writing, and the supervisor will then make appropriate alternative arrangements to handle the matter.

Outside employment, business and volunteer activities

6. Employees may not engage in outside employment, business or volunteer activities or render services for any person or Corporation which has or may have business dealings with the Town that;
 - Cause an apparent conflict of interest
 - Are performed in such a way as to appear to be an official act or to represent the Town of Espanola
 - Unduly interfere with the ability to exercise independent judgement or perform the duties of their job
7. Where an employee is or becomes involved in such private employment, his or her Department Manager must be informed and the Department Manager can allow the employee to continue with the activities in question, or prohibit further involvement.
8. Employees shall not sell goods, materials or services to the Town. An exception may be made, with the approval of the Clerk Treasurer/Administrator to secure services from an employee outside of regular hours of employment on a fee for service basis, provided the opportunity is made available on an equal basis to other persons and the amount of the payment for such services is reasonable.
9. Employees may not conduct activities that are not work-related during working hours, including looking for a new job.
10. Employees may not use the Corporation's equipment or facilities for activities that are not work related unless approval is obtained in advance.

Entertainment and gifts

11. In order to preserve the image and integrity of the Town of Espanola, business gifts should be discouraged, however, the Town recognizes that moderate hospitality is an accepted courtesy of a business relationship. Recipients should not allow themselves to reach a position whereby they might be or might be deemed by others to have been influenced in making a business decision as a consequence or accepting such hospitality.
12. If an employee receives a gift that is of more than the nominal value (\$100.00) or the employee is uncomfortable with the gift they have been offered, speak to the Manager or Clerk Treasurer/Administrator.

Public Appearances

13. Employees may not make public appearances or publish any documents in which they appear to be representing the Town without prior consent from the Manager or Clerk Treasurer/Administrator.
14. Employees may not use the Corporation's letterhead for personal correspondence.



CORPORATE SERVICES COMMITTEE

Moved By: Bill Foster

Date: May 2, 2017

Seconded By: Don Duplessis

Motion No.: 2

Be It Resolved That: As Recommended by the Corporate Services Committee That:

The Animal Control Bylaw be amended as presented.

CARRIED ✓ DEFEATED

K. Duplessis
Chair

**RECORDED VOTE
INTEREST**

For Against

Mayor R. Piche	_____	_____
B. Foster	_____	_____
K. Duplessis	_____	_____
R. Duplessis	_____	_____

DECLARATION OF PECUNIARY

Mayor R. Piche	_____
B. Foster	_____
K. Duplessis	_____
R. Duplessis	_____

AGENDA #4

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

STAFF REPORT

DEPARTMENT: Administration **DATE:** April 26, 2017

ITEM: Animal Control

RECOMMENDATION: Be It Resolved That: As Recommended By The Corporate Services Committee: The Animal Control Bylaw be amended as presented.

BACKGROUND: This Item has come to the Corporate Services Committee because in the Procedure Bylaw Animal Control is identified as being under the jurisdiction of the Corporate Services Committee.

The current Animal Control Bylaw was adopted in 2012. Some discussions have taken place between Staff and the Town's Animal Control Officer with respect to limitations of the Bylaw and amendments that were required.

ANALYSIS: Recommended amendments are outlined in the attached draft bylaw. The Rationale for most amendments is also attached to this Staff Report as a separate document. Those not included in this document are considered housekeeping items.

EXISTING POLICY: Council Bylaw

STRATEGIC GOAL: Safe and Healthy Community, Excellence in Government

FINANCIAL COMMITMENT: \$ 0

BUDGETED: NA Yes ☐ No ☐

IMPLEMENTATION: Clerk's Office

Prepared By: Paula Roque

CAO / Treasurer: Cynthia Townsend

Approval of Recommendation: Yes ☒ No ☐

Comments:

Animal Control Bylaw Amendments - Rationale

The following amendments are recommended to enable the efficient and effective enforcement of the Animal Control bylaw.

Section 1.2 Extends the ability to act and be protected under the provisions of the bylaw to the Police and OSPCA and will ensure that Espanola Police, OPP and OSPCA agents are able to take action when the situation warrants and enjoy the protections the bylaw affords for taking that action. (*OSPCA is Ontario Society for the Prevention of Cruelty to Animals*)

1.13 This bylaw will prohibit other domestic animals from running at large within the Municipality - see section 4.3.

2.10 Service animals play an important role in people's lives, this amendment will extend the licence fee and stoop and scoop exemption (see section 5) to "service animal as those terms are used in Ontario Regulation 429/07 under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended or replaced from time to time;"

3.1 A kennel that is only used for boarding dogs should still be subject to the regulations and required to pay the licence fee.

4.2 Relaxes the prohibition on cats at large to better reflect the reality of cat control. Unlike dogs, cats cannot be easily caught by officer's in the field and will not necessarily go home when prompted to do so. Officers will still have the ability to fine owners and impound cats who are causing damage, creating a nuisance or are injured, ill, or in distress.

4.8.3 (i) The Animals for Research Act allows a owner to claim an animal from a pound at any time the animal is impounded up until the time it is sold or destroyed. An owner may still claim an animal after the three (3) day hold expires and this clause should be removed to reflect that.

Veterinary fees - Increasingly the expectation is that pets will be treated while in the shelter's care for minor injuries. When veterinary fees are incurred, including spay/neuter or vaccinations in preparation to find the animal a new home, these costs should be paid by a person claiming ownership before the animal is released to them.

5.2 For a person to be able to pick up poop, they need to have a means to do so.

5.6 This is a standard clause contained in many municipal bylaws. Officers encounter this problem more often than would be expected and while fault lies as much with the owner of the animals being attracted this common sense principle is often not adhered to by the owner of an animal in heat.

Part 6 - Arbitrary animal limits are difficult, if not impossible to enforce and they discourage people who may be over the limit from registering their animals. In situations where animals are causing a nuisance it is much better to address the actual problem, like barking, excrement or the animals running at large. Part 6 takes the provision from the noise bylaw

and incorporates it into the Animal Control by law allowing Animal Control to address noisy animal issues, a responsibility now falling to the Espanola Police.

7.1 - Creates an offence for allowing, without provocation, a dog to bite or attack a person or domestic animal and expands the ability to issue preventative leashing and muzzling orders to occurrences where an incident may not necessarily involve a "bite".

Bites and attacks on domestic animals are not required to be reported to the Medical Officer of Health. A Vicious dog notice was stuck down in the Municipality of Killarney in 2013 following the successful argument by defense council that since the attack of a domestic animal was not reported to the Medical Officer of Health, the Animal Control officer had no mandate to investigate and issue the order. Killarney has since removed this requirement from their bylaw.



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 17

BEING A BY-LAW FOR THE LICENCING
AND REQUIRING THE REGISTRATION OF DOGS AND CATS
AND FOR THE CONTROL AND KEEPING OF DOGS AND OTHER ANIMALS
WITHIN THE MUNICIPALITY OF THE TOWN OF ESPANOLA

Deleted: AND

WHEREAS Section 210 of the Municipal Act (R.S.O. 1990, as amended) provides that bylaws may be passed by the Councils of local Municipality, and

WHEREAS Council deems it desirable to licence and regulated dogs, cats and other domestic animals within the Municipality.

Deleted: and

THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESPANOLA ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

- 1.1 Short Title: The Short Title of the By-law is "Animal Control By-Law".
- 1.2 Enforcement of By-law: The By-law shall be enforced by the "Animal Control Officer" and may be enforced by any Police Officer or Agent or Inspector of the OSPCA.
- 1.3 "Animal Control Officer" includes the person or association who has entered into a contract with the Municipality to control dogs and cats and to operate a dog/cat pound and any servants of such person or association and all servants thereof are hereby appointed Municipal Law Enforcement Officers pursuant to Section 15, Subsection 1 & 2 of the Police Services Act, 1990, chapter 10, and pursuant to Bill 74, The Provincial Offences Act. Who shall be Peace Officers for the purpose of enforcing the animal control and dog and cat licensing Bylaw, the Dog Owner's Liability Act, R.S.O. 1990, c. D.16 and related legal process serving.
- 1.4 "Cat" means a male or female feline of any breed of domesticated or cross-breed of domesticated cat.
- 1.5 "Dog" means a male or female dog.
- 1.6 "Kennel" includes any building, part of a building or area used for the keeping of dogs.
- 1.7 "Licence Issuer" means the Clerk of the Municipality.
- 1.8 "Licence Agent" means the Animal Control Agency.
- 1.9 "Muzzle" means a humane device designed to fit over the mouth of a dog to prevent the dog from biting. A muzzled dog means a dog wearing a muzzle in the manner anticipated by the manufacturer of the muzzle.
- 1.10 "Owner" of a dog/cat includes a person who possesses or harbours a dog or a cat and "owns" and "owner" have corresponding meaning, and where the owner is a minor, the person responsible for the custody of the minor.
- 1.11 "Leash" means a chain, rope, or other restraining device of not more than two (2) metres.
- 1.12 "Vicious Dog" means a dog which has been declared to be vicious pursuant to Part 6 of this Bylaw.

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- 1.13 "Domestic animal" means any domestic animal, other than a dog or a cat.

Deleted: ¶

PART 2 – LICENCING

- 2.1 No person in the Municipality shall own, harbour or possess a dog or cat unless or until he/she has procured a licence to do so as herein provided and every owner of a dog or cat shall be subject to the provision of the Bylaw.
- 2.2 The Animal Control Officer is hereby appointed Licence Agent, and authorized to issue under this Bylaw, and every such licence shall be issued for and on behalf of the Municipality and on behalf of the Licence Issuer by the Licence Agent.
- 2.3 A licence shall be procured and issued or renewed pursuant to this Bylaw by applying to the Licence Agent for said Licence or renewed Licence as the case may be and by paying the Licence Agent the fee.
- 2.4 Any Licence procured, issued or renewed pursuant to this Bylaw shall be in the form of a dog or cat tag.
- 2.5 Every dog or cat tag must bear a serial number, year of issue and the name of the Licence Issuer or Licence Agent.
- 2.6 A record shall be kept by the Licence Agent showing the Name and Address of the owner and the serial number of the tag.
- 2.7 The owner shall keep the dog or cat tag securely fixed on the animal at all times until the tag is renewed or replaced, but the tag may be removed while the animal is within the premises of the owner. Failure to do so constitutes a breach of the Bylaw.
- 2.8 In the event the tag issued for a dog or cat is lost, the owner may obtain a second tag upon the payment of a fee.
- 2.9 If there is a change of ownership of a dog or cat during the licence year, the licence holder shall notify the Licence Agent immediately of the change of ownership and the new owner must pay a licence transfer fee for this service. Failure to do so constitutes a breach of the Bylaw.

- 2.10 Where a dog is a guide dog or a service animal as those terms are used in Ontario Regulation 429/07 under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended or replaced from time to time, no fee shall be charged for a licence and a tag under this Bylaw.

Deleted: a certificate is produced from the Canadian National Institute for the Blind or a certificate from a recognized dog guide training school stating that a dog is being used as a guide for a blind person

- 2.11 Every licence issued pursuant to this Bylaw shall expire on the 31st day of December of the year in respect of which it was issued.

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- 2.12 Every Licence shall be renewed yearly on or before the 15th day of February and the fee to be paid to the Licence Agent.

- 2.13 Unless the animal was newly acquired within the previous seven days of the Licence application after the 15th day of February a late fee specified in Schedule A, which schedule is hereby incorporated as part of this Bylaw shall be applied.

- 2.14 The licence fees to be paid to the Licence Agent at the time of the issuing of the Licence shall be specified in Schedule 'A', which schedule is hereby incorporated as part of this Bylaw.

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PART 3 – KENNELS

- 3.1 Notwithstanding the provisions of section 2.12 and 2.14 above, no person in the municipality shall own, harbour or possess a kennel of dogs that are pure-bred, or operate a boarding kennel until he has paid an annual licence fee of one hundred dollars (\$100.00) to the Clerk as a licence fee for the kennel he is not liable to pay in respect of such pure-bred dogs any licence fee under this bylaw.

- 3.2 The Kennel Licence fee to be paid to the Clerk at the time of issuing of the licence shall be specified in Schedule 'C', which schedule is hereby incorporated as part of this Bylaw.

- 3.3 Owners and operators of kennels shall comply with the following regulations:

- 3.3.1 The licence shall expire on the 31st day of December.

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- 3.3.2 Every licence shall be renewed yearly between the 1st day of January and the 15th day of February of the next year, inclusive. See schedule 'D'.
- 3.3.3 A Kennel shall be permitted only in premises zoned for the purpose of the boarding and breeding of dogs.
- 3.3.4 No Kennel shall be permitted on a property of less than 10 acres.
- 3.3.5 No Part of a Kennel shall be constructed or maintained closer than 30 metres from the nearest property line of any adjacent residence.
- 3.3.6 The floors of each room in which dogs are kept shall be:
- 3.3.6.1 Constructed of an impermeable material and;
- 3.3.6.2 Flushed with water and deodorized with a suitable disinfectant daily or more often if necessary and that the animals should be removed when this is being done, and;
- 3.3.6.3 If such room is physically attached to a building used for human habitation, graded to an adequate drain which shall be connected to a municipal sewage system or sewage disposal system.
- 3.3.7 Each room that is used for the housing of dogs shall be equipped with a lighting system that is designed, constructed and maintained to:
- 3.3.7.1 Distribute light as evenly and with as little glare as possible and;
- 3.3.7.2 Provide adequate light for the proper observation of every animal in the room, and;
- 3.3.7.3 Adequately stay lit for a continuous period of at least eight hours in every twenty-four hour period.
- 3.3.8 Each room that is used for the housing of dogs shall provide ventilation for the health, welfare, and comfort of every dog by either:
- 3.3.8.1 Having an opening for natural ventilation with a minimum aggregate unobstructed free flow area of one percent (1%) of the floor area of the room, or;
- 3.3.8.2 Having a mechanical ventilation device in working order which changes the air at least two times each hour.
- 3.3.9 Each room that is used for the housing of dogs shall at all times, be maintained at a minimum temperature of nine degrees Celsius for the health, welfare and comfort of every dog therein
- 3.3.10 Each cage or pen used for the housing of dogs shall be so constructed and maintained that:
- 3.3.10.1 Every dog in the cage or pen may comfortably extend its legs to their full extent, stand, sit, turn around, and lie down in a fully extended position;
- 3.3.10.2 It is not likely to harm any therein;
- 3.3.10.3 Any dog therein cannot readily escape there from; and
- 3.3.10.4 It may be readily cleaned.
- 3.3.11 Each doorway, window, and outside openings shall be screened during the period of May 1st to October 1st of each year.
- 3.3.12 The yards and runways shall be:
- 3.3.12.1 Fenced so any dogs therein cannot readily escape there from; and

- 3.3.12.2 Gravelled and well drained or;
- 3.3.12.3 Paved with concrete, asphalt, or other impermeable material;
- 3.3.12.4 Graded to an adequate drain or gutter, and;
- 3.3.12.5 Cleaned at least once daily when in use.
- 3.3.13 Each area in which dogs are kept shall, at all times be maintained in a clean and sanitary condition.
- 3.3.14 Excreta, dead animals, and other waste resulting from the keeping of dogs shall be removed daily from the premises.
- 3.3.15 The Medical Officer of Health for the District of Sudbury shall enter any building and order the removal of any matter or thing which is dangerous or injurious to the public health including any or all of the above mentioned dogs, whenever it appears to the Medical Officer of Health that it is necessary for the preservation of the public or for the abatement of anything dangerous or injurious to the public health.
- 3.3.16 Every dog shall be supplied:
- 3.3.16.1 With food of a type and in amounts nutritionally adequate for the dog, and;
- 3.3.16.2 With adequate amounts of potable water, and;
- 3.3.16.3 With medical service for any disease or injury from which the dog may be suffering.
- 3.3.17 The owner, operator or a person designated by the owner or operator shall attend at the kennel at least once every 12 hours.
- 3.3.18 An Animal Control Officer or any other duly authorized person may enter upon, and may inspect without notice any kennel or any place where dogs are kept at any reasonable time.
- 3.3.19 The Animal Control Officer or any other authorized person may revoke any licence where the owner or operator of the kennel does not comply with the provision of this By-law or any applicable municipal by-laws, provincial or federal statutes or regulations.
- 3.3.20 Where a kennel licence has been revoked, the kennel owner may apply to the municipality for a hearing as to whether or not the kennel licence should be revoked. An application for a hearing shall be filed with the Clerk within ten (10) business days of the date of delivery of the written notice that the kennel licence has been revoked.

PART 4 - ANIMALS AT LARGE

- 4.1 No person shall, within the Municipality, fail to prohibit any dog for which he/she is the owner from being at large or permit a dog to be at large.
- 4.2 No person shall within the Municipality fail to prohibit any cat of which they are the owner of to cause damage or create a nuisance while at large within the limits of the Municipality.
- 4.3 No person shall within the municipality permit a domestic animal for which they are the owner to be at large.
- 4.4 For the purpose of this Bylaw, a dog or cat or domestic animal shall be deemed to be at large when found in any place other than the property of the owner of the dog , cat or domestic animal and not under the control of any person.
- 4.5 For the purpose of the Bylaw, a dog , cat or domestic animal shall be deemed not to be under the control of any person when the dog , cat or domestic animal is not on a leash of a maximum length of two (2) metres held by a person, or is not on a leash which is

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securely affixed to some permanent structure from which the dog, cat or domestic animal cannot escape.

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- 4.6 No person shall allow or permit a dog, cat or domestic animal under his control or of which he is the registered owner to trespass on private property whether on a leash or not unless permission for said trespass is first obtained from the property owner.

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- 4.7 No person shall allow or permit a dog, cat or domestic animal under his control or of which he is the registered owner to be on a Public Beach whether on a leash or not.

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- 4.8 An Animal Control Officer, Police Officer or any Agent or Inspector of the OSPCA may:

4.8.1 Seize and impound any dog found at large or trespassing,

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4.8.2 seize and impound any cat found at large or trespassing where:

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- (i) In the opinion of the Peace Officer or Animal Control Officer, the cat is causing damage or is creating a nuisance; or
(ii) In the opinion of the Peace Officer or Animal Control Officer, the cat is in distress, injured or ill and;

4.8.3 Restore possession of the dog or cat to the owner thereof where;

- (i) The owner of the dog or cat, pays to the Peace Officer or Animal Control Officer a pound fee for a dog or cat seized, a maintenance fee for each day subsequent to the day of seizure that the dog or cat remains impounded and any veterinary fees incurred by the Animal Control Officer for the care of the animal, and;

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- (ii) The owner has procured a current licence for the dog or cat pursuant to Part 2 Licensing of this Bylaw.

- 4.9 Where a dog or cat is seized and impounded under section 4.9 of this bylaw, the owner if known and whether the dog or cat is claimed from the pound or not, shall be liable for the pound maintenance fees prescribed and any veterinary fees incurred by the Animal Control Officer for the care of the animal, and shall pay all fees on demand by the Animal Control Officer or Licence Agent.

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- 4.10 Where at the end of three (3) days mentioned in subsection 4.9.3 of this section, the dog or cat has not been restored to the owner, the Animal Control Officer may sell the dog or cat for such price as he deems reasonable and no damages or compensation shall be recovered by the owner on account of its sale.

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- 4.11 Where the owner of a dog or cat, has not claimed the dog or cat within three (3) days after its seizure under section 4.9 above, and where the dog or cat has not been sold, the Animal Control Officer may euthanize the dog or cat in a humane manner or otherwise dispose of the dog or cat as he sees fit in accordance with the provisions of the Province of Ontario Animals for Research Act as it relates to pounds and no damages or compensation shall be recovered by the dog or cat owner on account of it being euthanized or otherwise disposed of.

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- 4.12 Where a dog or cat seized under section 4.9 of this bylaw is in distress, injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, the Peace Officer or Animal Control Officer may euthanize the dog or cat in a humane manner as soon after seizure as he thinks fit without permitting any person to reclaim the dog or cat or without offering it for sale, and no damages or compensation shall be recovered by the owner on account of its destruction.

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- 4.13 In the opinion of an Animal Control Officer, where a dog or cat cannot be captured and where the safety of persons or animals are endangered, an Animal Control Officer, Police Officer or Agent or Inspector of the OSPCA may destroy the dog or cat and no damages or compensation shall be recovered by the owner of the dog or cat for said destruction.

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- 4.16 Dogs or cats shall be accepted by the Animal Control Officer appointed by the Municipality.

- 4.17 Fees for the services outlined in Part 3 are as specified in schedule 'B', which schedule is hereby incorporated as part of this Bylaw.

PART 5 – KEEPING OF DOGS AND CATS AND OTHER DOMESTIC ANIMALS

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5.1 Every person who is the owner of a dog, cator domestic animal at a time when the dog, cator domestic animal fouls property anywhere within the municipality, shall forthwith remove, or cause the removal of the excrement from such property and sanitarly dispose of the excrement. Failure to do so constitutes a breach of this Bylaw.

5.2 Any person who has a dog on property other than their own property shall have in their posession a scoop, bag or other container for the immediate disposal of excrement.

(i) 5.2.1 Section 5.1 and 5.2 shall not apply to the owner of a a guide dog or a service animal as those terms are used in Ontario Regulation 429/07 under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, as amended or replaced from time to time; 5.3 Every person who owns a dog or cat in the Municipality shall provide such dog or cat or cause it to be provided with such veterinary care, food, potable water, exercise, and attention as may be required from time to time to keep it in good health.

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5.4 If a dog or cat is customarily kept out of doors, the person who owns such a dog or cat shall, at all times, provide for its use, a structurally sound, weatherproof enclosure with off the ground flooring.

5.5 No person shall in the Municipality keep a dog or cat tethered on a chain, rope or similar restraining device of less than 2.4 metres in length.

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5.6 Every owner of an Unaltered female Dog or Cat in the Municipality shall, during each period that the Unaltered Dog or Unaltered Cat is in heat, keep it confined so that it will not attract other Dogs or Cats or Animals.

PART 6 - NOISE

6.1 No person shall in the Municipality cause or permit the persistant barking, calling orwhining or other persistant noise making by any domestic pet, or any other animal kept or used for any purpose other than agriculture that may have the effect of disturbing the peace, quiet comfort or repose of any individual.

PART 7 – VICIOUS DOGS 7.1 No person shall in the Municipality cause or permit a dog, without provocation, to bite or attack a person or a domesticated animal. The Animal Control Officer may investigate any dog bite or dog attack incident. Where the Animal Control Officer is satisfied that the dog has, without provocation, bitten or attacked a person or a domesticated animal, he or she may declare the dog to be a vicious dog.

7.2 Where a dog has been declared a vicious dog, pursuant to section 7.1 of this bylaw, the dog owner shall be provided with a copy of a written declaration to that effect. See schedule 'E'.

7.3 Where a dog has been declared as a vicious dog, the dog owner may apply to the municipality for a hearing as to whether or not the declaration should be revoked. An application for a hearing shall be filed with the Clerk with ten (10) business days of the date of delivery of the notice of declaration.

7.4 No person shall, within the municipality, fail to restrain a vicious dog for which he is the owner.

7.5 For the purpose of this bylaw where restrain is used in connection with a vicious dog at the owner's property shall be deemed to mean:

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

7.5.2 Kept in a pen or other outdoor enclosure respective of its environmental needs which prevents the dog from:

7.5.2.1 Leaving the owners household (except in accordance with the provisions of this Bylaw), and;

7.5.2.1 Coming into contact with persons who are not at the owner's household.

7.6 For the purpose of this bylaw where restrain is used in connection with a vicious dog at a place other than the owner's property it shall be deemed to mean:

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§
6.1. Except as otherwise provided in this Bylaw, no person shall keep or permit in or about any dwelling unit or premises more than two dogs or more than two cats. §

§
6.2. Notwithstanding Section 6.1; a person may keep or permit in or about a dwelling unit or premises: §

§
6.2.1 maximum of three dogs temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours; or §

§
6.2.2. a maximum of five cats temporarily in a dwelling unit for a continuous period not exceeding forty-eight hours; or §

§
6.2.3 not more than 4 dogs and 6 cats on a property which is zoned for "agricultural" use under the Zoning Bylaw for that area, and which is used for agricultural purposes as defined in the relevant Zoning Bylaw for the area. §

§
<#>Sections 6.1 and 6.2 shall not apply to dogs or cats under the age of eight weeks. §

§
6.4 It shall be the responsibility of the owner of the dog or cat claiming an exemption from Section 6.1 to substantiate the entitlement of an exemption claimed. §

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7.6.1Vicious dog muzzled, leashed and under the control of a person.

7.7Every person who owns a vicious dog, upon relocation of his or her residence, shall immediately notify the Licence Agent of the change of address. Failure to do so constitutes a breach of this Bylaw.

PART 8 – PROTECTIVE CARE

8.1 A Peace Officer or Animal Control Officer is authorized, upon request of a Police Officer, to impound a dog or cat for protective care purposes, pursuant to an Incarceration, fire, medical emergency or for any other situation that the Peace Officer or Animal Control Officer deems appropriate and to keep such animals for a maximum of five days.

8.2 Where a dog or cat is seized and impounded, or impounded for protective care, the owner if known and whether the dog or cat is claimed from the pound or not, shall be liable for the impound and maintenance fees prescribed in Schedule 'B' and shall pay all fees on demand by the Peace Officer or Animal Control Officer.

8.3 In the event that the owner of the dog or cat impounded for protective care does not claim the dog or cat and pay the impound and maintenance fees in accordance with Schedule 'B' within five days, then on the sixth day, the dog or cat shall be deemed to have been impounded at large in accordance with PART 4 - ANIMALS AT LARGE and time under subsection 4.7.3 of the same.

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PART 9 – GENERAL

9.1 Hearing Panel: The Council hereby delegates the Standing Committee for Animal Control, or such persons as that Committee may designate, to hear matters arising out of Part 3 or Part 7.

9.2 No person shall, forcibly retrieve a dog or cat from an Animal Control Officer, Police Officer or Agent or Inspector of the OSPCA or a vehicle under an Officer's control.

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9.3 No person shall forcibly retrieve a dog or cat from the pound keeper, an Animal Control Officer or, break and enter into a patrol vehicle of the Animal Control Enforcement Agency, Police Department or the OSPCA or retrieve a dog or cat without payment in full of all fees and charges required to be paid under this Bylaw.

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

9.5 Any person who contravenes any of the provisions of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

9.7 Bylaws 2485-12, 2003-07 and 1189-96 Table 3-1.9 are hereby repealed.

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Read a first, second and third time in open Council on this _____.

Mike Lehoux
Mayor

Cynthia Townsend
Clerk Treasurer/Administrator

Bylaw _____

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The Corporation of the Town of Espanola

Bylaw ? / 17

Schedule 'A'

Licence Fees

LICENCE APPLICATION

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Cat Licence Fee - \$20.00

Dog Licence Fee - \$20.00

For Senior Citizens (over 65 years of age) Dog Licence fee - \$10.00, Cat Licence fee - \$10.00

LATE FEE:

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Licence Applications received after Feb. 15, add \$10.00 to each licence fee unless the animal was acquired in the previous seven days.

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MISCELLANEOUS

Service Animals - no charge

Replacement Tag - \$5.00

Transfer - \$5.00

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The Corporation of the Town of Espanola

Bylaw 2 / 17

Schedule 'B'

Animal Control Service Fees

1. Cat or Dog Redemption:

Impound \$ 50.00

2. Per Diem Animal Maintenance Fee \$ 15.00*

3. Animal Surrender Fee Dogs \$120.00*

4. Animal Surrender Fee Cats \$ 60.00*

***subject to HST.**

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The Corporation of the Town of Espanola

Bylaw 2 / 17

Schedule 'C'

Kennel Licence Fee

1. Kennel Licence Fee	\$100.00
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The Corporation of the Town of Espanola

**Bylaw 7 / 17
Schedule 'D'
Kennel Licence Application**

Kennel Name _____ Application: New _____ Or Renewal _____

Registration affiliation: CKC _____ AKC _____ Other _____

Applicant _____ Phone # _____

Full Address _____

Location: Lot _____ Conc. _____ Twp. _____

Kennel Premises: Separate Building _____ Part of Building _____

Year Established _____ Distance to Closest Property Line _____

Zoning _____

Purpose of Kennel: Breeding or Raising of Dogs _____ Boarding _____ Other _____

Kennel Premises: Briefly describe facilities: (include floor area, material, number of windows, plumbing, running water, electrical, types of cages, outside runs)

Annual fee of \$100 must be enclosed, payable to the Town of Espanola.

I _____ Hereby give permission to the Town of Espanola Animal Control Officer or other duly authorized person to enter at any time, this kennel and the lands upon which the kennel is situated for the purpose of inspection.

Date _____ Signature of Applicant _____



The Corporation of the Town of Espanola

Bylaw 2 / 17
Schedule 'E'
VICIOUS DOG DECLARATION

Owner's Name _____ Animal Name _____

Address _____

Licence Number _____

Breed _____ Colour _____ Age _____ Sex _____

An investigation of an incident involving your above described animal, and:

Victim: _____

Address _____

On (date) _____ an investigation was conducted and it has been determined that your animal has bitten a person/domestic animal in an unprovoked attack.

Accordingly, this animal is therefore declared 'vicious' pursuant to Bylaw 2 / 17, as may be Amended, and you, as the owner, are hereby notified that if you wish to keep this dog in the Town of Espanola you must:

1. Keep the dog muzzled, leashed and under the control of a person at least 16 years old at all times when it is off your property.
2. At all times, when on your property or on the property of the person who has the care and control of the dog, the dog must be restrained. This is accomplished by keeping the animal inside a building, or house, or in an enclosed pen or other enclosed area of sufficient dimension and strength to be humane. And to prevent the dog from either leaving the building or property or from coming in contact with persons who are not at that building or property.
3. If you transfer ownership or possession of this dog, or relocate your place of residence with the Town of Espanola, you **must immediately notify** the Animal Control Agency.

Contravention of By-law 2 / 17, as may be amended, may result in prosecution of you, as the owner of a vicious dog, and if convicted, a fine of up to five thousand dollars (\$5,000) may be levied for each offence. You may appeal this Declaration by making Application to the Town Clerk within ten (10) business days of the date of delivery of this Notice of Declaration.

Animal Control Officer: _____ Date of Declaration _____
Notice was served upon: _____ At: _____
By: _____ Time: _____

Bylaw _____



The Corporation of the Town of Espanola

Bylaw 2 / 17
Schedule 'F'

SET FINES

"Part 1 Provincial Offences Act"

Corporation of the Town of Espanola
PART I Provincial Offences Act

Bylaw 2 / 17, Licensing and Regulating Dogs and Cats

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Failure to procure a licence	Section 2.1	\$100.00
2	Failure to affix the dog or cat tag	Section 2.7	\$100.00
3	Failure to notify change of ownership	Section 2.9	\$100.00
4	Failure to register a kennel	Section 3.1	\$100.00
5	Fail to prohibit dog from being at large	Section 4.1	\$100.00
6	Fail to prevent a cat from causing a nuisance	Section 4.2	\$100.00
7	Fail to prohibit an animal from being at large	Section 4.5	\$100.00
8	Fail to pay the fees on demand by the Animal Control Officer	Section 4.10	\$100.00
9	Fail to clean up and dispose of dog or cat excrement	Section 5.1	\$100.00
10	Fail to possess a means of disposing of excrement	Section 5.2	\$100.00
11	Fail to keep dog or cat in good health	Section 5.3	\$100.00
12	Fail to provide outside enclosure	Section 5.4	\$100.00
13	Keep dog or cat on improper chain or rope	Section 5.5	\$100.00
14	Permit dog, cat or other animal to cause a disturbing noise	Section 6.1	\$100.00
15	Permit dog or cat to bite or attack without provocation	Section 7.1	\$100.00
16	Fail to restrain a vicious dog	Section 7.4	\$250.00
17	Fail to notify change of address	Section 7.7	\$100.00
18	Forcibly retrieve dog or cat from Animal Control (officer/vehicle)	Section 9.2	\$100.00

NOTE: The penalty provision for the offences indicated above is Section 9.5 of Bylaw 2 / 17, a certified copy of which has been filed.

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