

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - May 21, 2019 at 8:00 AM

MEETING - Civic Centre - Committee Room

	Page
1. <u>Call to Order</u> Session #10	
2. <u>Disclosure of pecuniary interest and the general nature thereof</u>	
3. <u>Approval of Previous Committee Minutes</u> 3.1 Approval of Previous Committee Minutes.	2 - 3
4. <u>Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.</u>	
5. <u>In-Camera</u>	
6. <u>Items Referred from Council</u> 6.1 Letter from D. Culbertson re: Scott Street Concerns. - No comments from Police Service Board received (Next meeting is May 31st, 2019). 6.2 Letter from Fort Frances Senior's Centre re: Request to waive calendar parking in the 400 & 500 blocks of Nelson Street - Senior's Fair. 6.3 Letter from T&S Wrolstad re: Increase Fence Height. 6.4 Letter from J. Schulz re: Dog Bite. 6.5 Letter from D. Dickson re: 556 Webster Ave. Garage Request.	4 - 6 7 - 19 20 - 39 40 - 45
7. <u>New Business</u>	
8. <u>Outstanding Items</u>	
9. <u>Information</u>	
10. <u>Non-agenda Items</u>	
11. <u>Adjourn / Next Meeting Date</u> Monday June 3rd, 2019.	

TOWN OF FORT FRANCES

MINUTES

SESSION NO. #9

May 6, 2019

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held in the Civic Centre - Committee Room on May 6, 2019 from 08:02 a.m. to 8:50 a.m.

PRESENT: W. Brunetta - Chairperson, Mayor J. Caul.

ALSO PRESENT: D. Brown, CAO, T. Dennis, CBO/Planner, P. Briere, Committee Secretary

1. Call to Order - 0802am

Session #9

2. Disclosure of pecuniary interest and the general nature thereof

None.

3. Approval of Previous Committee Minutes

3.1 Approval of Previous Committee Minutes.

- Approved as Presented.

Moved - Councillor Brunetta

Seconded - Mayor Caul

CARRIED

4. Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.

None.

5. In-Camera

None.

6. Items Referred from Council

6.1 Letter from D. Cuthbertson re: Scott Street Concerns.

- No comments from Police Service Board received (Next meeting is May 31st, 2019). - Mayor Caul provided a verbal status update on this item. As a stakeholder group has been created and meeting regularly to help create strategies to resolve these issues.

6.2 Request Email from C. Kent - Proposal for 8th Street Trails.

- The Committee was provided an overview of the amended proposal. The Committee is recommending that Council approve the proposal as presented and implement the following:

1 - Tree Policy be followed. Any tree removed is to be replaced.

2 - A waiver form be signed by any individual or group wanting to work on the project.

6.3 Letter from W. Friesen, The Sleepy Owl re: Sign Installation Consideration.

- An overview of this request was done and a recommended location was shown to the Committee. The Planning & Development Executive Committee is recommending to approve the request as presented with the following implemented:

1 - A land use agreement be signed.

2 - A sign permit issued.

3 - Annual Sign Fee be implemented.

6.4 2019 April 22 - S. Both - Property Development Partnership Request - Former McKenzie School Property.

- The Committee reviewed the request and the information provided from a verbal discussion with Mr. Both. Mr. Both was invited to the meeting, but was not in

attendance. The Committee is recommending to accept the request as information and take no further action.

7. New Business

- 7.1 User Fee By-Law Amendment - Annual Sign Fee (Signs on Town Property).
- The Committee reviewed the request and is recommending that Council approve the request as presented.

8. Outstanding Items

None.

9. Information

None.

10. Non-agenda Items

None.

11. Adjourn / Next Meeting Date - 0844am

Tuesday May 21st, 2019.

Executive Committee Chair

Secretary, Planning & Development Executive
Committee



Date: May 15th, 2019

Report To: Planning & Development Executive Committee

From: Patrick Briere, By-Law Enforcement Officer

Re: Letter from Fort Frances Senior's Centre re: Request to waive calendar parking in the 400 & 500 blocks of Nelson Street.

The Planning & Development Executive Committee will recall that the Town of Fort Frances has received annual requests from the Sister Kennedy Centre regarding the suspension of calendar parking on Nelson Street to accommodate parking for the District 1A Senior Games and Senior's Fairs.

On April 21st, 2019, Council received a letter from the Fort Frances Senior's Centre, requesting parking accommodations be made on Nelson Street again for June 6th, 2019 from 9am to 3pm. As per previous year's requests, this office has no concerns with making this parking accommodation for the Fort Frances Senior's Centre.

We are asking the Planning & Development Executive Committee to recommend to Council that the request from the Fort Frances Senior's Centre, to suspend Calendar Parking in the 400 & 500 Blocks of Nelson Street on June 6th, 2019 to accommodate the Senior's Fair be approved.

Respectfully submitted

Original Signed By

Patrick Briere
By-Law Enforcement Officer

Fort Frances Senior Centre
401 Nelson Street
Fort Frances, ON

Mr. Patrick Briere
By-Law Enforcement
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON P9A 3P9

April 21, 2019

Dear Mr. Briere:

The Fort Frances Senior Centre will be hosting a Seniors' Fair on Thursday, June 6 at the Centre. The event will run from 9 a.m. to 3 p.m. As we anticipate attendance of 100 people parking will be a problem, especially since the Centre's parking lot will only hold a dozen or so cars.

Would it be possible to waive the calendar parking restriction on the 400 and 500 blocks of Nelson Street on that day in order to facilitate parking for Fair participants?

Your cooperation on this matter would be greatly appreciated. Thanks for your assistance.

Sincerely

A handwritten signature in cursive script, appearing to read 'Irene Laing'.

Irene Laing,
Secretary
Fort Frances Senior Centre

Administration & Finance Division
Planning & Development Division
Phone: 807-274-5323
Fax: 807-274-8479

Mailing Address for All Divisions:
Civic Centre
320 Portage Avenue
Fort Frances, ON
P9A 3P9



Operations & Facilities Division
Phone: 807-274-9893
Fax: 807-274-7360

Community Services Division
Phone 807-274-4561
Fax: 807-274-3799

email: town@fortfrances.com
www.fort-frances.com

May 14, 2019

Fort Frances Senior Centre
Attn: Irene Laing, Secretary
via email irenemlaing@gmail.com

Dear Ms. Laing:

At their meeting May 13, 2019, Council referred the request from Fort Frances Senior Centre for waiving of Calendar Parking Restrictions on the 400 and 500 blocks of Nelson Street re: Seniors Fair - June 6th, 2019 to Planning and Development Executive Committee for recommendation.

By copy of this letter, your request has been referred as directed.

Please direct any questions you may have to P. Briere, By-law Enforcement Officer / Secretary to Planning & Development Executive Committee, at 274-5323, ext 1218.

Yours very truly,

ADMINISTRATION & FINANCE DIVISION

Elizabeth (Lisa) Slomke, Clerk

/es

c.c. Planning and Development Executive Committee
P. Briere, By-Law Enforcement Officer/Committee Secretary

Mayor and Council
Town of Fort Frances

Re: Fencing at 939 Fourth St E

May 9, 2019

Dear Mayor and Council,

We are requesting permission to raise the height of our fencing at 939 Fourth St E. We would like to raise the height of the fencing in the back of the yard facing the back alley.

The alley seems to be higher than our existing fence and it is easy to see into our yard from the alley. The increased traffic of people walking through our alleys and looking into our yard is a bit of a concern. We have a pool in our yard and I would like to keep that out of view as much as possible to prevent the enticement of anyone from coming in to the yard.

We are in the process of obtaining a building permit to put up a garage this spring as well so it would be roughly 35ft of fencing that we are requesting to increase the height to 9 or 10 ft. We feel this action will help us protect our yard and reduce risk of strangers looking in or coming in.

Please feel free to contact us if you have any questions or need any additional information

We thank you in advance for your consideration of our request

Sincerely

A handwritten signature in blue ink, appearing to read 'Wrolstad', is written over a horizontal line.

Todd and Steph Wrolstad

Administration & Finance Division
Planning & Development Division
Phone: 807-274-5323
Fax: 807-274-8479

Mailing Address for All Divisions:
Civic Centre
320 Portage Avenue
Fort Frances, ON
P9A 3P9



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email: town@fortfrances.com
www.fort-frances.com

May 14, 2019

Todd and Steph Wrolstad
939 Fourth Street East
Fort Frances, Ontario
P9A 1T3
via email stephwrolstad@hotmail.com

Dear Mr. and Mrs. Wrolstad:

At their meeting May 13, 2019, Council referred the letter dated May 9, 2019 from T. & S. Wrolstad re: Fencing at 939 Fourth St. E. to Planning & Development Executive Committee for recommendation.

By copy of this letter, your request has been referred as directed.

Please direct any questions you may have to P. Briere, By-law Enforcement Officer / Secretary to Planning & Development Executive Committee, at 274-5323, ext 1218.

Yours very truly,

ADMINISTRATION & FINANCE DIVISION

Elizabeth (Lisa) Slomke, Clerk

/es

c.c. Planning and Development Executive Committee
P. Briere, By-Law Enforcement Officer/Committee Secretary
T. Dennis, CBO/Official Planner

TOWN OF FORT FRANCES

BY-LAW 07~19

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT FRANCES TO LICENCE AND REGULATE FENCES WITHIN THE MUNICIPALITY.

WHEREAS the Council of the Corporation of the Town of Fort Frances deems it necessary and expedient to pass a by-law to regulate fences within the Municipality.

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a municipal power shall be exercised by by-law.

AND WHEREAS the *Municipal Act, 2001*, as amended authorizes a single tier municipality to pass by-laws respecting structures, including fences and signs;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a municipality may provide that the Line Fences Act does not apply to all or any part of the municipality;

AND WHEREAS the *Line Fences Act, R.S.O. 1990, Chapter L.17*, provides that, with the exception of section 20 the *Line Fences Act* does not apply to land in an area that is subject to a by-law for apportioning the costs of line fences passed under the *Municipal Act, 2001*;

AND WHEREAS on January 14th, 2019, Council approved a recommendation from the Planning & Development Executive Committee to review and update the Fence By-Law.

NOW THEREFORE, the Council of The Corporation of the Town of Fort Frances enacts as follows:

SECTION 1- DEFINITIONS

“adjoining owner” – means the owner of the land that is adjoining to the land of another owner;

“corporation” – means The Corporation of the Town of Fort Frances;

“fence” – means a railing, wall, line of posts, wire, gate, boards, pickets or other similar substances used to endorse or divide in whole or in part a yard or other land to establish a property boundary or to provide privacy and includes any hedge or grouping or thick growth of shrubs or trees acting as continuous barrier which is other than an essential component to a building;

“intersection” – means the area embraced within the prolongation or connection of the lateral street lines of two or more streets that join one another at an angle, whether or not one street crosses the other;

“lane” – means a public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots and which is not intended for general circulation;

“line fence” – means a fence marking the boundary between adjoining parcels of land;

“lot” – means a parcel of land which is capable of being legally conveyed pursuant to Section 50 of the Planning Act;

“lot, corner” – means a lot situated at the intersection of two or more streets, or at the intersection of a street and a railway right-of-way, or a lot butting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutting by the said street or streets;

“lot interior” – means a lot other than a corner lot;

“lot line” – means any boundary of a lot and/or the vertical projection thereof;

“lot line, front” - means

- a) in the case of an interior lot, the lot line dividing the lot from the street;
- b) in the case of a corner lot, the shorter lot line abutting the street;
- c) in the case of a through lot or a corner lot with two lot lines of equal length abutting roads, the lot line used for the principle entrance; and iv) in the case where a lot abuts only a road cul-de-sac, all of the frontage on the road cul-de-sac.

“lot line, rear” - means the lot line farthest from or opposite to the front lot line;

“lot line, side” - means a lot line other than a front or rear lot line;

“non-residential property” - means a property with uses other than residential or multi-residential and includes schools and other institutional uses but does not include a street or public walkways;

“open construction” - includes chain link or lattice or other similar open construction;

“owner” - means the registered owner, lessee, tenant, mortgagee in possess or the person in charge a parcel of land;

“officer” - means a Municipal By-Law Enforcement Officer or Provincial Offences Officer or a Police Officer or Chief Building Official, whose duties include the enforcement of this by-law;

“parcel of land” - means an area of land held in unity of ownership;

“person” - means an individual, firm, corporation, association, or partnership and includes an Owner;

“public authority” - means any Federal, Provincial, District or Municipal agencies, including local boards thereof, any Public Utility Commission including telephone, gas and hydro and all Boards of Education;

“residential property” - means a property that is used for residential purposes;

“sight triangle” - means a triangular area of visibility that is determined by measuring, from the point of intersection of two street lines of a corner lot a distance of 4.5 metres along each street line and joining such points with a straight line, or where the two street lines do not intersect at a point, the point where such street lines would intersect based on the projection of the street lines or the intersection of the tangents to the street lines. (See Diagram 1 — Schedule "A");

“street” - means a public highway or public road under the jurisdiction of the Corporation and which is presently open and maintained by the corporation on a year-round basis;

“street line” - means: the limit of the street and is the dividing line between a lot and a street;

“swimming pool” – means any outdoor structure, object or thing located on privately owned property that is intended to be used for swimming, wading, diving, bathing, soaking (including a hot tub) in which the depth of water at any point can exceed 0.6 metres (2 feet).

“temporary fence” - means: a fence erected or maintained for a defined and limited period of time and, in no case shall such duration exceed six months unless required to remain by law or by a public authority in the interests of safety;

“through lot” - means: a lot bounded on opposite sides by streets.

“uncontrolled intersection” means an intersection of two or more streets where no traffic lights or four-way stop signs are used to indicate the right-of-way;

“yard” - means any unoccupied space appurtenant to a building measured from the closest supporting structure of the building to the lot line. (See Diagram 2 —Schedule A);

“yard, front” - means a yard extending across the full width of the lot between the front lot line and the nearest part of any building or structure for which the yard is required;

“yard, rear” - means a yard extending across the full width of the lot between the rear lot line and the nearest wall of any building on the lot for which the yard is required;

“yard side” - means a yard extending from the front yard to the rear yard;

“zoning by-law” - means any by-law administered by the Town passed pursuant to section 34 of the Planning Act, R.S.O. 1990, c.P.13, or a predecessor or successor thereof, as may be amended from time to time.

SECTION 2 - GENERAL PROVISIONS

2.1 SHORT TITLE

This By-law shall be cited as the Fence By-Law.

2.2 SCOPE

Except where otherwise provided, the provisions of this By-law shall apply to all persons and property within the geographic limits of the Town of Fort Frances.

2.3 ENFORCEMENT

This By-law shall be enforced by a Municipal By-Law Enforcement Officer or Provincial Offences Officer or a Police Officer or Chief Building Official, whose duties include the enforcement of this by-law;

2.4 CONFLICTS WITH OTHER BY-LAWS

Where a provision of this By-law conflicts with a provision of another by-law in force in the Town, the provision that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental wellbeing of the municipality, shall prevail to the extent of the conflict.

2.5 SEVERABILITY

Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

SECTION 3 – FENCES – CONTRARY TO REGULATIONS

- 3.1 No person shall have, permit, construct, erect or maintain or cause to have permit, construct, erect, or maintain a fence within the Town of Fort Frances unless such fence is in compliance with this by-law, and/or any other by-law that may apply.

SECTION 4 – FENCES ON TOWN PROPERTY

- 4.1 No person shall have, permit, construct, erect, or maintain, or cause to have, permit, construct, erect, or maintain, a fence on property of The Corporation of the Town of Fort Frances, including any street, unless:
- a) written consent or authorization of the Corporation has been obtained;
 - b) such fence conforms to the provisions of this by-law; and
 - c) the person seeking to construct on Town property agrees, if required, to enter into an encroachment agreement with the Corporation to provide for the removal of same from the property as and when directed to do so.

SECTION 5 – GENERAL PROVISIONS – ALL FENCES

- 5.1 No fence shall be constructed, maintained or caused to be constructed or maintained such that it encroaches on or over a roadway or sidewalk or which adversely affects the safety of or constitutes an obstruction of view or impedes the passage of vehicular or pedestrian traffic
- 5.2 No fence shall be located or constructed so as to block access to a parking space as required by the Zoning By-Law unless such fence is constructed with a gate at least 2.59 metres (8.5 feet) wide giving access to such parking space.
- 5.3 Barbed wire and/or razor wire shall not be used on any residential property.
- 5.4 Notwithstanding the provisions of Section 7, barbed wire and/or razor wire may be used on residential or non-residential property as part of or in conjunction with any fence required by law for public safety or the protection of property, provided no barbed wire or razor wire is located less than 2.14 metres in height above the ground.
- 5.5 No fence may be electrified unless the land which it encloses is lawfully used for agricultural purposes or the containment of livestock.
- 5.6 Section 7 does not apply to fences used for agricultural purposes or the containment of livestock.
- 5.7 No fence shall be maintained or caused to be maintained in a damaged or un-repaired state or condition by reason of fire, decay or otherwise and all fences shall be constructed or caused to be constructed in a sound manner and shall be protected by paint, preservative or other suitable weather resistant material.
- 5.8 All fences including masonry, brick, stone and concrete, iron and metal bar and metal sheet fences shall be constructed and maintained in a manner to ensure safety and structural stability.
- 5.9 Fences constructed of chain link, shall:
- a) be constructed of galvanized steel wire not less than 2.65 mm diameter (No. 12 gauge) or of minimum .89 mm diameter (No. 14 gauge) steel wire covered with vinyl or other approved coating forming a total thickness equivalent to 2.65 mm diameter (No. 12 gauge) galvanized wire; and
 - b) be supported by a minimum 38 mm diameter galvanized steel posts each securely embedded in concrete and spaced not more than 3.05 metres on centre. Horizontal top and bottom rails shall be of 31 mm minimum diameter galvanized steel, except that a 6 mm diameter galvanized steel tension rod may be substituted for the bottom horizontal rail.
- 5.10 Fences constructed of wood shall be supported by a minimum 89 mm by 89 mm or 125 mm diameter posts each securely embedded and be spaced not more than 3.05 metres on centre. The portion below grade treated with a wood preservative. Horizontal top and bottom rails shall be of a minimum of 38 mm by 89 mm utility grade or better.
- 5.11 Where in order to make repairs, alterations or improvements to a fence, an owner of the fence is required to enter upon the adjoining land; before entering said land the owner shall

advise the Town of Fort Frances of the need to make such entry. Prior to entry the Town of Fort Frances will advise the adjoining owner of the need for entry on his land. The owner of the fence shall ensure that the adjoining land is left in the same condition it was prior to such entry.

- 5.12 Where a fence is being erected between two lots, unless otherwise agreed between the owners of the said lots, the posts and structural members shall be located on the side of the fence facing the lot whose owner is erecting the fence.
- 5.13 A fence may be erected as a means of protection or as a means of landscaping along any lot line. Provided that if the fence is a hedge or grouping or thick growth of shrubs or trees acting as a continuous barrier, it shall be located a minimum of .6 metres from the lot line.

SECTION 6 – RESIDENTIAL PROPERTY SPECIFIC PROVISIONS

- 6.1 On a lot used for residential purposes no person shall have, permit construct, erect, or maintain, or cause to have, permit construct, erect, or maintain a fence
- a) exceeding 1.22 metres in height within the front yard;
 - b) exceeding 1.83 metres in height within the rear or side yard, subject to the Sight Triangle provisions.
- 6.2 Notwithstanding section 6.1 fence height regulations shall not apply
- a) where such residential property is abutting and such fence is contiguous to a non-residential property, but in no event shall such fence exceed a height of 2.75 metres;
 - b) where grade elevations of adjacent lots differ, that portion of any fence exceeding 1.83 metres in height as measured from the lower of the differing grades shall be constructed of chain link, lattice or similar open construction so as to provide a uniform direct passage of light and air.
 - c) where the grade contours within a lot make compliance with the fence height regulations in Section 11 impossible, a fence may exceed 1.22 metres in height in the front yard, or 1.83 metres in height elsewhere on the lot, provided that the average height of the fence over any 2.44 metre portion does not exceed the said fence height regulations.

SECTION 7 – NON-RESIDENTIAL PROPERTY SPECIFIC PROVISIONS

- 7.1 On a lot used for non-residential purposes, no person shall have, permit, construct, erect, or maintain, or cause to have, permit, construct, erect, or maintain a fence
- a) exceeding 2.75 metres in height unless required by law or by a public authority in the interests of public safety to do so.
 - b) other than an unobstructed chain link fence having links of no less than 13.00 square centimeters and which does not otherwise exceed fence height requirements contained in this by-law that exceeds 1.2 metres in height if such fence is located within the sight triangle.
- 7.2 Fences around tennis courts may be erected to a maximum height of 3.7 metres provided that
- a) the fence shall be constructed of chain link with adequate posts, support wires and bracing of a corrosion resistant or treated material; and
 - b) shall not be located closer than 0.6 metres to any lot line.

SECTION 8 – LINE FENCES ACT

- 8.1 The Line Fences Act shall not apply to any part of the Town of Fort Frances.

SECTION 9 – SAFETY

- 9.1 Notwithstanding any height restriction for fences in this by-law, the Corporation or any public authority with jurisdiction over a specific use or matter may, in writing, permit a fence to whatever height is necessary to ensure public safety.
- 9.2 Notwithstanding any of the provisions herein to the contrary, where, in the opinion of the Corporation, an obstruction exists that adversely affects the safety of vehicular or pedestrian traffic, the height restrictions of this by-law shall not apply.

SECTION 10 – SIGHT TRIANGLE

- 10.1 Notwithstanding any of the provisions herein to the contrary, where, in the opinion of the Corporation, an obstruction exists within the sight triangle, the height restrictions of this by-law shall not apply.

SECTION 11 – CALCULATION OF HEIGHT

- 11.1 For the purpose of this by-law, the height of any fence is calculated from the mean grade elevation of the ground at the lot lines to the highest point of the fence.
- 11.2 Where the level of ground is altered or the base on which the fence is situated is arranged for the purpose of raising a fence to a height which would otherwise have been unlawful, there shall be included in the calculation of the height of the fence the vertical measurement of the alteration or of the arrangement.

SECTION 12 – SWIMMING POOL FENCE PROVISIONS

- 12.1 Every owner of a swimming pool shall ensure that a fence is erected and maintained surrounding such pool and the fence shall:
- a) have a height of not less than 1.2 metres (4 feet) measured from ground level to the top of the fence where the pool is located;
 - b) Be located at a distance of not less than 1.5 metres (5 feet) from the swimming pool;
 - c) The bottom of all fences shall be at grade level.
 - d) Be equipped with a gate that can be locked with a locking mechanism located on the pool side of the gate at least 1 metre (3.3 feet) above ground level and have no opening between the bottom of the gate and the ground at any point directly below the gate;
 - e) Be built with materials and maintained in such a manner so as to prevent the climbing thereof;
 - f) Where an owner is exempt from the requirement of a fence as a pool enclosure under section 16, ensure that every ladder or other stair assembly providing access to the pool is locked in a position so as to prevent entry to the pool at all times when the pool is not being used.
 - g) Where an owner is exempt from the requirement of a fence as a pool enclosure for a hot tub under section 16, ensure that the hot tub is adequately secured by a cover and locked and in place over the tub at all times when the tub is not in use.

SECTION 13 – OFFENCE AND PENALTIES

- 13.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions of this By-Law or any permit or order issued pursuant thereto, commits an offence and except where specifically set out in Schedule “B” attached to and forming part of this By-Law, shall be liable of a fine of not more than \$5,000 pursuant to the Provincial Offences Act, R.S.O., 1990, c. P.33, As amended. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

13.2 An Officer and/or anyone under the Officer's direction may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this by-law is being complied with.

13.3 No person, shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

13.4 For the purposes of an inspection, the Officer may:

- a) require the production for inspection of documents relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any person concerning a matter related to the inspection; and,
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take photographs necessary for the purposes of the inspection.

SECTION 14 – REMEDIAL ACTIONS

14.1 Every person who has, erects, constructs, maintains, or permits to be erected, constructed or maintained, any fence that does not comply with the provisions of this by-law shall forthwith take any necessary action to ensure that the fence complies with the provisions of this by-law.

14.2 In default of the work required by this by-law not being done by the person directed or required to do it, the Town, in addition to any other remedies it may have, may do the work or cause the work to be done, at the person's expense, and may enter upon the land, at any reasonable time for this purpose.

14.3 The Town may recover the costs incurred by it in doing the work or causing it to be done from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

SECTION 15 – EXCEPTIONS

15.1 The provisions of this by-law shall not apply to the erection of fences, temporary or otherwise, erected in the interest of public safety as may be determined by the Officer.

15.2 Notwithstanding any other provision herein, a fence, which is constructed as a requirement of a registered agreement or agreements entered into with The Corporation of the Town of Fort Frances pursuant to the provisions of the Planning Act, as amended, or any plans approved by the Town, shall be deemed not to contravene the provisions of this by-law.

15.3 This By-Law does not apply to a public authority which erects or causes to erect a noise barrier along a street or erects or causes to erect any other type of fence along a street for the purposes of ensuring public safety, noise control, or any other similar purpose.

15.4 Notwithstanding the provisions of this by-law to the contrary, save and except for a fence which is located within a sight triangle, any fence that is in existence prior to the date of the enactment of this by-law, and in compliance with other applicable regulations, including the Town of Fort Frances by-laws, shall be deemed to comply with this by-law and may be maintained with the same material, height and dimension as previously existed.

SECTION 16 – EXEMPTION

16.1 In the case of an above-ground swimming pool, a fence is not required where ALL of the following criteria are met:

- a) The vertical sides of the pool and any deck or other assembly forming part of the pool are the same or greater in height than the minimum height of the fence height requirements for pools; and
- b) Such vertical sides and assemblies are constructed and maintained in such a manner to prevent the climbing thereof; and
- c) Any ladder or stair providing access to the swimming pool or to any deck or other assembly forming part of the swimming pool is hinged and constructed in such a manner as to be latched in an upright position and is lockable or is equipped with a roll-down ladder cover or similar device that is lockable, thereby preventing entry to the pool;
- d) In the case of a hot tub, a fence is not required where the hot tub is adequately secured by a cover equipped with a locking device.

16.2 Every application for an exemption shall be in writing and shall contain the following supporting documentation:

- a) Property survey or site plan;
- b) Specifications pertaining to the description of the fence;
- c) Specifications pertaining to the construction and installation of the fence; and
- d) The application fee (if applicable).

SECTION 17 - REPEAL

17.1 By-Law 40/17 and all amendments are hereby repealed.

This By-Law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 25th day of March 2019.

Original signed by J. Caul

J. Caul, Mayor

Original signed by E. Slomke

E. Slomke, Clerk

SCHEDULE “A” – By-Law #

DIAGRAM 1 – SIGHT TRIANGLE

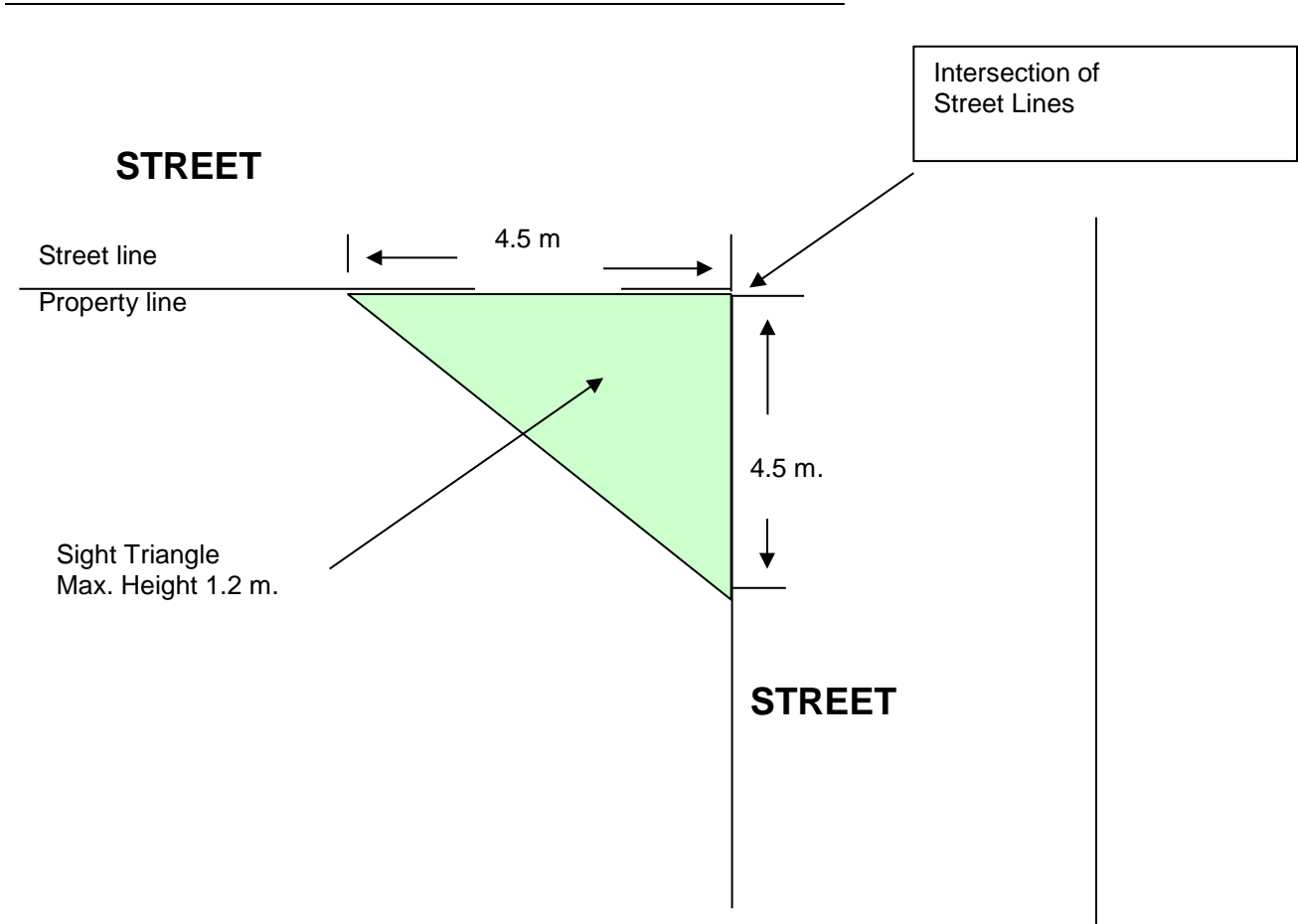
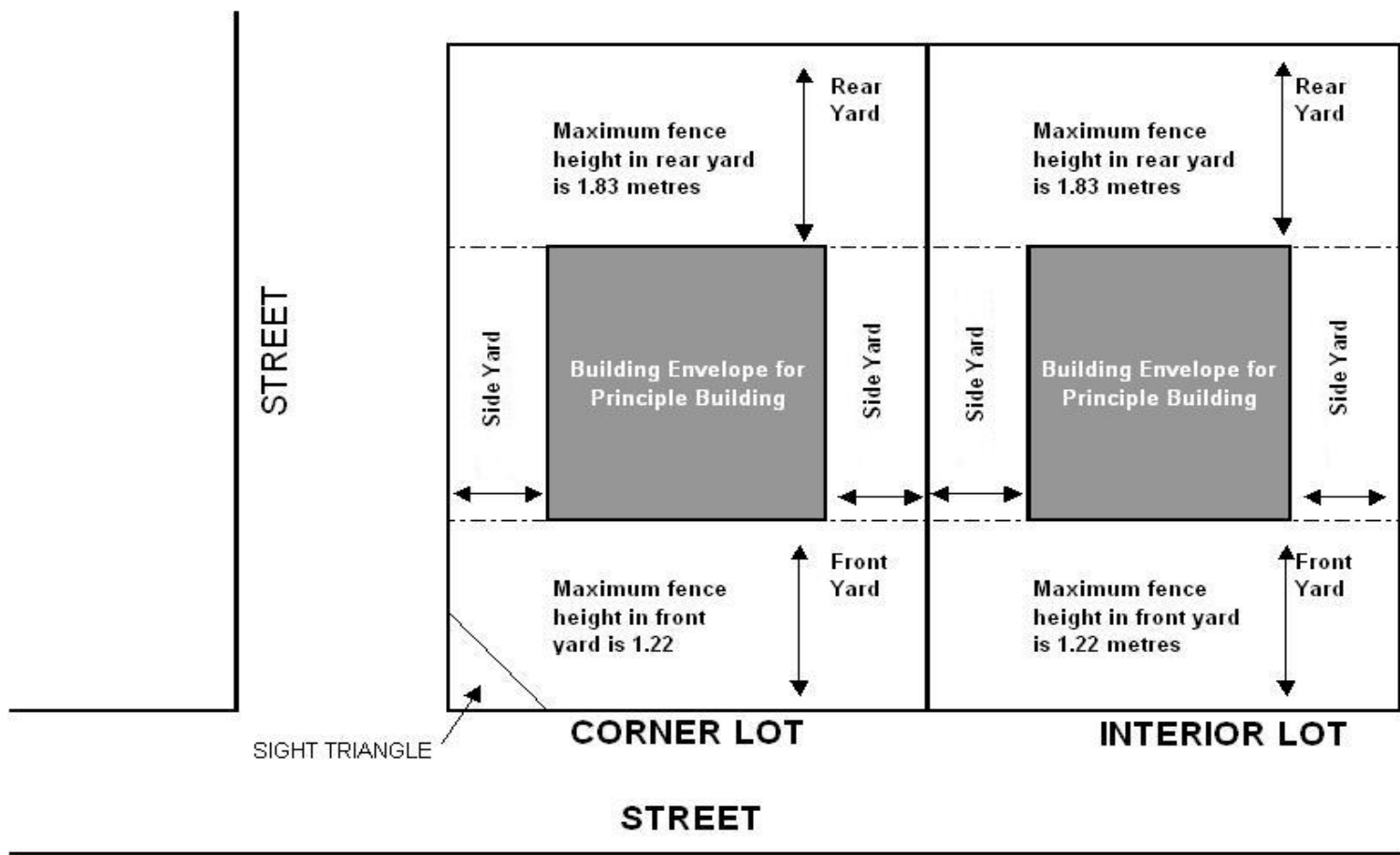


DIAGRAM 2 – RESIDENTIAL PROPERTIES - YARD



Schedule “B” By-Law #

Town of Fort Frances

Application for a Permit to Construct A Swimming Pool Fence

For use by Principal Authority	
Application number:	Permit number (if different):
Date received:	Roll number:

Application submitted Town of Fort Frances
(Name of municipality, upper-tier municipality, board of health or conservation authority)

A. Project information			
Building number, street name		Unit number	Lot/con.
Municipality	Postal code	Plan number/other description	
Project value est. \$		Area of work (m²)	
B. Applicant			
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
C. Owner (if different from applicant)			
Last name	First name	Corporation or partnership	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
D. Builder			
Last name	First name	Corporation or partnership (if applicable)	
Street address		Unit number	Lot/con.
Municipality	Postal code	Province	E-mail
Telephone number ()	Fax ()	Cell number ()	
E. Purpose of application			
<input type="checkbox"/> New Construction of a Swimming Pool Fence <input type="checkbox"/> Replacement of existing Swimming Pool Fence			
Type of Fence			
Description of Proposed Fence Work			
F. Attachments			
i. Attach a site plan illustrating the dimensions of the parcel of land on which it is proposed to erect a swimming pool fence. Indicate the location and dimensions of all existing fences and buildings, and the dimensions of the proposed fence. Indicate the use of property (Zoning) and of adjoining properties, and the location of adjoining highways, roads and pedestrian sidewalks, etc.			
ii. Attach types and quantities of plans and specifications for the proposed construction that are prescribed by the Fence By-Law.			
G. Declaration of applicant			
I _____ certify that:			
(print name)			
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.			
2. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership.			
_____		_____	
Date		Signature of applicant	

April 18, 2019

Mayor and Council
Town of Fort Frances
320 Portage Avenue
Fort Frances, ON
P8A 3P9

Dear Mayor Caul and Council,

I have attached documents and pictures of what happened to me as I was walking down Second Street East in the 200 Block across from the old high school.

I am hoping to be able to persuade council to amend the bylaw in the Town of Fort Frances regarding animals.

I am hoping for 2 amendments:

- 1) That no animal be allowed to be tied up in the front yard of any residence or business within the town limits.
- 2) That if an animal is over a certain weight or a certain breed, the animal is required to be in a locked kennel in the back yard.

My purpose in bringing this to your attention is that sincerely, all I was doing was walking down the sidewalk on an errand. This dog broke the chain it was tied up with and severely bit me. I just don't want anyone having to worry about the risk of a dog bite.

Please contact me either by telephone at 274-6435 or by email at rjschulz1977@gmail.com

Please let me know if you require anything further from me. Also, please let me know in writing what your decision is. I know it is a process but I also want to impress upon you that this incident was very traumatic for me. I spent 8 hours at emergency, had a tetanus shot and have a 10 day (875 mg tablet) supply of antibiotics to take.

On the plus side – the dog owner was outstanding. He confined the dog, checked on me and applied first aid and made me as comfortable as he could while I waited for my husband to come and get me.

Thank you for listening.



Joyce Schulz

Monday, April 15, 2019 at 12:30 p.m.

I was walking down Second Street East going to an appointment in the 100 block of Second Street East.

As I approached a house in the 200 block of Second Street East, there was a dog tied up in the front yard of 232 Second Street East. It started to come towards me and barked a couple of times. I slowed down and looked at the dog.

The next thing I noticed was a much larger tan coloured dog come racing off the front steps towards me. I stopped in my tracks. The dog didn't bark or appear to want to sniff me – it directly lunged at me and clamped down on my left ankle.

I was shocked but then began to feel severe pain in my ankle. I started screaming loudly and the homeowner came out to see what the commotion was. I told him, "I think your dog bit me". He proceeded to capture the dog who was running around the yard loose at this time. He took the dog in the house.

The owner (who identified himself during our conversation as Kevin Gambin) asked if I was alright. I said no. I lifted my pant leg and my left ankle was dripping blood.

Kevin Gambin offered me assistance by asking me to come into his house. He got a towel to apply pressure on my ankle and to try and stop the bleeding. He asked his stepson to see if they had any bandages which the stepson then located.

Kevin Gambin applied the bandages and I called my husband, Robert Schulz, to come and pick up so I could go to the hospital. While we were waiting, Kevin Gambin and I exchanged contact information.

We arrived at the hospital shortly after 1:00 p.m. I went to the admitting desk of the emergency department and paperwork was completed.

After waiting roughly 5 minutes, my injuries were assessed. I waited to see the doctor on duty. I was taken in to see the doctor on duty about 4:30 p.m. The doctor assessed my injury and completed paper work on the dog bite incident.

While waiting for the doctor and nurse to return, I took pictures of the wounds with my phone. The bite was cleaned with disinfectant and I was given a tetanus shot. Seri strips were applied to both wounds. A prescription for an 10 supply of antibiotics was faxed to the pharmacy that was open. We stopped to pick it up on our way home.

I arrived home at 8:00 p.m. When I did arrive home there were 2 telephone messages from the dog owners inquiring how I was doing. They left the contact information. I returned the phone call to both of them and explained what had happened at the hospital. I also explained to Kevin Gambin that I would be contacting the Bylaw office of the Town of Fort Frances on Tuesday to relay the information regarding this dog bite.

I also let Kevin Gambin know how much I appreciated them both for contacting me to find out how I was doing.

I let him know that my jeans, shoe and socks were ruined with the blood and also the expense of the antibiotics that I am required to take for 10 days. He said not a problem with reimbursing me for the expenses. I told him I would give him a copy of the receipts.

The contact information for the owners of the dog is as follows:

Kevin Gambin 807-861-0922

Kelly Clark 807-861-0466

232 Second Street East

Fort Frances, ON

I just want to let you know that Kevin Gambin did what he could after the bite and they both contacted me to see how I was doing. I let them both know how much I appreciated that.





Administration & Finance Division
Planning & Development Division
Phone: 807-274-5323
Fax: 807-274-8479

Mailing Address for All Divisions:
Civic Centre
320 Portage Avenue
Fort Frances, ON
P9A 3P9



Operations & Facilities Division
Phone: 807-274-9893
Fax: 807-274-7360

Community Services Division
Phone 807-274-4561
Fax: 807-274-3799

email: town@fortfrances.com
www.fort-frances.com

May 14, 2019

Ms. Joyce Schulz
629 Second Street East
Fort Frances, Ontario
P9A 1N6

via email rjschulz1977@gmail.com

Dear Ms. Schulz:

At their meeting May 13, 2019, Council referred the request dated April 18, 2019 from J. Schulz re: Amending the Town's Animal Control By-Law be referred to Planning and Development Executive Committee with input from Fort Frances Police Services Board.

By copy of this letter, your request has been referred as directed.

Please direct any questions you may have to P. Briere, By-law Enforcement Officer / Secretary to Planning & Development Executive Committee, at 274-5323, ext 1218.

Yours very truly,

ADMINISTRATION & FINANCE DIVISION

Elizabeth (Lisa) Slomke, Clerk

/es

c.c. Planning and Development Executive Committee
P. Briere, By-Law Enforcement Officer/Committee Secretary

TOWN OF FORT FRANCES BY-LAW No. 50~17

**A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT FRANCES
TO LICENCE AND REGULATE THE KEEPING OF ANIMALS AND THE
REGISTRATION OF DOGS AND CATS WITHIN THE MUNICIPALITY.**

WHEREAS the Council of the Corporation of the Town of Fort Frances deems it necessary and expedient to pass a by-law to license and regulate the keeping of animals and the registration of dogs and cats within the Municipality;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising the authority under the Act;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a single tier municipality may pass by-laws respecting animals;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a local municipality may licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS the *Municipal Act, 2001*, as amended provides that a municipality may pass by-laws with respect to matters of health, safety and well-being of persons;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that if a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law; and
- (b) the sale of impounded animals,
 - (i) if they are not claimed within a reasonable time,
 - (ii) if the expenses of the municipality respecting the impounding of animals are not paid, or
 - (iii) at such time and in such manner as provided in the by-law.

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS the *Municipal Act, 2001*, as amended, provides that a municipality may establish a system of fines for offences, subject to section 429 under by-law of the municipality passed under the Act;

AND WHEREAS on January 16, 2017, Council approved a recommendation from the Planning & Development Executive Committee to review and rewrite the By-Laws pertaining to animal control within the Municipality.

NOW THEREFORE, the Council of The Corporation of the Town of Fort Frances enacts as follows:

SECTION 1- Definitions

Definitions of words, phrases and terms used in this By-law that are not included in the list of definitions in this section shall have the meanings which are commonly assigned to them in the context in which they are used in this By-law.

The words, phrases and terms defined in this section have the following meaning for the purpose of this By-law.

“animal” – means a member of the animal kingdom, other than a human, not covered by the Wildlife Act;

“animal for research act” – means the Animal for Research Act, R.S.O. 1990, c. A.22, as amended;

“at large” – means a dog, cat or animal being in a place other than a property owned or occupied by its owner and not under the effective control of a responsible person acting on behalf of the owner and, in the case of a hen means being outside a coop or hen run;

“building code act” – means the Building Code Act, S.O. 1992, C25, as amended;

“by-law enforcement officer” – means the person or persons duly appointed by Council as Municipal Law Enforcement Officers and/or Animal Control Officers for the purpose of enforcing all regulatory by-laws and the Town’s Animal Control By-Law;

“cat” – means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat;

“cat tag” – means a cat tag issued pursuant to this By-law;

“control” – includes care and custody;

“coop” – means a fully enclosed weatherproof building where hens are kept and which the interior of includes perches for hens not roosters to sleep on, food and water containers and nest boxes for egg laying;

“council” – means the Municipal Council of the Town of Fort Frances;

“dog” – means a male or female of the domesticated canine species;

“dog owners liability act” – means the Dog Owners Liability Act, R.S.O. 1990, c. D.16, as amended;

“dog tag” – means a dog tag issued pursuant to this By-law;

“dwelling unit” – means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“effective control” – means to be in the care and custody of a responsible person;

“feed(s)/feeding” – means the regular or intermittent supply of food or allowing the placing or maintenance of a supply of food on a regular or intermittent basis, which food is accessible to or accessed by a dog, cat or animal;

“fire chief” – means the head of the Fort Frances Fire/Rescue Service as designated by Council;

“harbour” – means living with, having care and control of, feeding, leaving food in a manner that is likely to attract a dog, cat or animal to a property, and shall also specifically include a situation in which any person provides food to any dog, cat or animal whether domesticated or feral;

“hen” – means a domesticated female chicken that is at least sixteen weeks old;

“hen run” – means a covered secure enclosure that allows hens not roosters access to the outdoors;

“herding dog” – means a dog that has been trained and is actively being used in a bona fide farming operation for the purposed controlling of livestock on the farm;

“keeps/keeping” – means to own, keep, harbour, maintain or feed a cat, dog, or animal;

“leash” – means a restraining device, by which a dog, cat or other animal is held in check;

“leashed” – means restrained by a leash securely attached to the dog or cat and a person or object;

“livestock guardian dog” – means a dog that works and/or lives with domestic farm animals to protect them while repelling predators and is used exclusively for that purpose;

“livestock, poultry and honey bee protection act” – means the Livestock, Poultry and Honey Bee Protection Act R.S.O. 1990, c. L24, as amended;

“lot line” – means the boundary line between adjoining properties and or the boundary line between a property and a highway, laneway, municipal sidewalk or municipal road allowance;

“maintain” – means to carry out repairs to any part of parts of a fence or structure retention equipment, muzzling device, or other such equipment necessary so it can properly perform its intended function:

“medical officer of health” – means the Medical Officer of Health of the Northwestern Health Unit;

“microchip” – means an approved “Canadian Standard” encoded identification device implanted into a dog or cat which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner, which is stored in a central database;

“municipality” – means the land within the geographic limit of the Town of Fort Frances;

“muzzle” – means a humane fastening or covering device over the mouth of a dog and of sufficient strength to prevent the dog from biting;

“noise(s)” – means unwanted sound;

“owner” – when used in relation to a dog or cat, or animal, includes a person who possesses or harbours the dog, cat or animal where the owner is a minor, the person responsible for the custody of the minor and “owns” has a corresponding meaning;

“paramedic” – means a person employed by the Rainy River District Social Administration Board to provide emergency medical services;

“person” – means an individual, firm or corporation;

“police dog” – means a dog trained to aid law enforcement officers and used by such officers in the execution of their duties;

“police officer” means a member of the Ontario Provincial Police;

“pound” – means premises that are used for the detention, maintenance or disposal of dogs or cats that have ben impounded pursuant to the by-law or the Dog Owners Liability Act;

“pound act” – means the Pound Act. R.S.O. 1990, c. P.17, as amended;

“private property” – means property which is privately owned and is not property owned by the Town;

“premises” – means the entire lot on which a single dwelling unit building or multi-dwelling unit building is situated;

“provincial offences act” – means the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended;

“public property” – includes all lands owned by the Town, any local boards, any corporations owned or controlled by the Town and includes all Crown lands;

“registrar” – means the By-Law Enforcement Officer for the Town, pursuant to this by-law;

“reasonable amount of time” – means no less than minimum detention period seventy-two (72) hours as prescribed by the Legislation or Regulations;

“responsible person” – means a person having the strength and capacity to securely control a dog so as not to permit or allow the unwanted contact with another person , dog, cat or animal;

“run/running at large” – means to be found in any place other than the premises of the owner of the dog, cat or animal and not under the control of a person in such a manner as to prevent escape;

“service animal” – means any animal used by a person with a disability for reasons relating to the disability where it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or where the person provides a letter from a health professional confirming that he or she requires the animal for reasons relating to his or her disability’ or a valid identification card signed by the Attorney general of Canada or a certificate of training from a recognized guide dog or service training school;

“suite” – means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories;

“tag” – in reference to a dog means a dog tag, and in reference to a cat means a cat tag;

“tattoo” – means a permanent ink marking identification purposes;

“town” – means the Corporation of the Town of Fort Frances;

“veterinarian” – means a person registered or licensed under the Veterinarian Act;

“veterinarian act” – means the Veterinarian Act, R.S.O. 1990, c. V.3, as amended;

“vicious cat” – means a cat that has attacked or bitten a person, dog, cat or animal as determined by the By-Law Enforcement Officer in accordance with Section 5.1 herein;

“vicious dog” – means a dog that has attacked or bitten a person, dog, cat or animal as determined by the By-Law Enforcement Officer in accordance with Section 5.1 herein;

“zoning by-law” – means all current by-laws and amendments thereto and any subsequent by-laws which may be enacted in substitution thereto under the Planning Act with respect to land use within the Town.

SECTION 2 - GENERAL PROVISIONS

2.1 SHORT TITLE

This By-law shall be cited as the Animal Control By-Law.

2.2 SCOPE

Except where otherwise provided, the provisions of this By-law shall apply to all persons and property within the geographic limits of the Town of Fort Frances.

2.3 ENFORCEMENT

This By-law shall be enforced by a By-Law Enforcement Officer for the Town of Fort Frances, or any member of the Ontario Provincial Police.

2.4 CONFLICTS WITH OTHER BY-LAWS

Where a provision of this By-law conflicts with a provision of another by-law in force in the Town, the provision that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental wellbeing of the municipality, shall prevail to the extent of the conflict.

2.5 SEVERABILITY

Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

SECTION 3 – REGISTRATION OF CATS AND DOGS

3.1 REGISTRAR

The registrar is responsible for the issuance of tags and may, from time to time appoint in writing agents for the issuance of tags as he or she may consider necessary. The Registrar may revoke any such appointment in writing for such reason as the Registrar in his or her sole discretion may determine.

3.2 REQUIREMENT TO REGISTER

3.2.1 Except as provided to the contrary in this By-law, every owner of a dog or cat shall register the dog or cat with the Registrar on or before January 1st in each year that he or she is the owner of that dog or cat.

3.2.2 Every person who becomes the owner of a dog or cat after January 1st in any year; shall register the dog or cat with the Registrar within 14 days of becoming the owner of the dog or cat and on or before January 1st in each year thereafter.

3.2.3 Notwithstanding Sections 3.2.1 and 3.2.2, no person need register a dog or cat before the dog or cat reaches the age of six (6) months. The onus of proof of age of the dog or cat shall rest with the owner.

3.2.4 Notwithstanding Section 3.2.1 the owner of a cat(s) who resides in a dwelling unit in an area which is zoned resource development pursuant to the Zoning By-Law shall not be required to register his or her cat(s), provided the property on which the dwelling unit is located is used for agricultural uses, as defined by the Zoning By-Law.

3.2.5 The registration of a dog or cat shall expire upon the earliest of:
(a) the transfer of ownership of the dog or cat for which it was issued;
(b) the death of the dog or cat for which it was issued; and
(c) December 31st of the year in which it was issued.

3.3 REGISTRATION PROCESS

3.3.1 Every person who applies to the Registrar to register a dog or cat, shall:
(a) provide the name, physical and mailing address and telephone number of the owner of the dog or cat;

- (b) provide the name of the dog or cat;
- (c) provide a description of the dog or cat;
- (d) disclose whether the dog or cat has a microchip implant or has been tattooed;
- (e) disclose if the animal is a Service Animal;
- (f) disclose if the dog is a Livestock Guardian Dog, or Herding Dog;
- (g) proof of spay or neuter; and
- (h) pay the required registration fee as outlined in the Schedule of Fees By-Law, as amended.

3.4 ISSUANCE OF DOG OR CAT TAG

3.4.1 Upon the applicant providing all information and documentation required by the Registrar, and paying the appropriate fee(s), the Registrar shall register the dog or cat and shall issue to the applicant a dog tag or a cat tag as the case may be, which bears a unique number, shows the year of issue and such other information as may be determined by the Registrar.

3.4.2 Every owner of a registered dog or cat shall advise the Registrar in writing within 14 days thereafter, of:

- (a) change of address or phone number of the owner of the dog or cat;
- (b) sale or other transfer of ownership of the dog or cat;
- (c) the death of the dog or cat.

3.4.3 The Registrar shall have the right to cancel the registration of a dog or cat in the event that the registration fee is not paid in full, through error, as a result of a cheque being returned marked 'Not Sufficient Funds', a debit or credit card being refused or for any other reason.

3.5 REPLACEMENT TAGS

3.5.1 The Registrar shall issue a replacement dog tag or cat tag to the owner of a registered dog or cat upon;

- (a) application of the owner;
- (b) evidence satisfactory to the Registrar that the tag was lost or damaged; and
- (c) payment of the prescribed replacement tag fee.

3.6 REGISTRAR'S RECORDS

3.6.1 The Registrar shall maintain records of all dog tags, cat tags and replacement tags issued by the Registrar in each calendar year and shall update such records as additional information is received pursuant to Section 3.4.2.

3.6.2 The records under Section 3.6.1 shall include:

- (a) the name, physical and mailing address and phone number of the owner of the dog or cat;
- (b) name of the animal;
- (c) a description of the dog or cat;
- (d) the particulars of any tattoo or microchip implanted in the dog or cat;
- (e) the number of the dog tag or cat tag issued for that dog or cat;
- (f) the fee paid;
- (g) if the animal is a Service Animal;
- (h) if the dog is a Livestock Guardian Dog, or a herding Dog;
- (i) if the dog or cat is spayed or neutered;
- (j) the particulars of any evidence provided in support of a fee reduction; and
- (k) other information as the Registrar in his or her sole discretion determines to be necessary.

SECTION 4 – REGULATION – DOG, CAT AND ANIMAL

4.1 DOG AND CAT TO WEAR TAG

4.1.1 Every owner of a dog and every owner of a cat shall keep the tag securely fixed on the dog or cat while the tag was issued, at all times during the year of issue.

4.1.2 Notwithstanding Section 4.1.1, an owner need not keep the tag on his or her dog or cat:

- (a) while the dog or cat is within the dwelling unit of its owner;

- (b) in the case of a dog or cat, while the dog or cat is being lawfully used for hunting in the bush, and the tag is produced upon request of a By-Law Enforcement Officer or member of the Ontario Provincial Police; or,
- (c) where a veterinarian has determined it is necessary to remove the tag for medical treatment of that dog or cat; or,
- (d) if the dog is a Livestock Guardian Dog or a Herding Dog and the dog is being actively used in farming practices, and has been tattooed or implanted with a microchip; and
- (e) if the dog or cat has been tattooed or implanted with a microchip and the dog or cat has been registered with the Town.

4.1.3 No person shall remove a tag from a dog or cat without the consent of the owner thereof.

4.1.4 No person shall attach a tag to a dog or cat other than the dog or cat for which it was issued.

4.2 NUMBER OF DOGS AND CATS

There is no limit to the number of dogs and cats that a resident of the Town of Fort Frances can own; as long as all of the dogs and cats have current tags and the owner is in compliance with any other By-Law or other Legislation as deemed appropriate.

4.3 AT LARGE

4.3.1 No owner of a dog or cat shall cause, allow or permit a dog or cat he or she owns to be at large within the limits of the Town of Fort Frances.

4.3.2 No owner shall permit a dog or cat to run at large that is not within the dwelling unit or on the premises of its owner or on private property without the consent of the owner of that private property.

4.3.3 No owner shall permit a dog or cat to be at large that is not under the effective control of a responsible person.

4.3.4 When not within the dwelling unit or on the premises of its owner or on private property with the consent of the owner of that private property all dogs and cats shall be under the effective control of a responsible person.

4.3.5 Notwithstanding Section 4.3.4 this requirement shall not apply to an owner exercising/walking his or her dog(s), in any area that requires dog(s) to be leashed at all times, as set out in Schedule A of this By-Law.

4.3.6 Notwithstanding Section 4.3.1 this requirement shall not apply to an owner of Livestock Guardian Dogs and Herding Dogs while such dogs are being used in accordance with their defined function on property owned or leased by the owner.

4.4 OWNER NOT TO PERMIT TRESPASS

4.4.1 No owner shall allow or permit his or her dog or cat to trespass on private property whether on a leash or not.

4.5 REQUIRED TO STOOP AND SCOOP

4.5.1 Every owner or person who keeps a dog or cat or animal shall forthwith remove and dispose of excrement left by the dog, cat or animal on any public property or private property without the consent of the owner of the property.

4.5.2 Notwithstanding Section 4.5.1 this requirement shall not apply to a Service Animal.

4.6 OWNER NOT TO PERMIT NOISE

4.6.1 No person or owner shall permit any noise made by any dog, cat, bird or any other animal kept or used for any purpose, which is likely to disturb the peace or comfort of any individual in any location.

4.6.2 Notwithstanding Section 4.6.1 Livestock Guardian Dogs, Herding Dogs and Police Dogs shall be exempt from the foregoing provision while actively engaged in their duties.

4.7 NO PERSON TO HARBOUR

No person shall keep or harbour any dog, cat or animal in a manner that adversely impacts neighbouring properties or residents whether through offensive odours, noise likely to disturb inhabitants, running at large of dog(s), cat(s) or animal(s), accumulation of feces or otherwise.

SECTION 5 – VICIOUS

5.1 No owner shall permit his or her dog, cat, or animal to attack, bite or show aggressiveness towards a person, or other dog, cat or animal.

5.2 Where a By-Law Enforcement Officer or Police Officer is informed upon receipt of complaint, and is satisfied that a dog, cat or animal has attacked, bitten a person or animal or has been threatening or aggressive towards a person or animal without being provoked, and has further been provided with satisfactory evidence as to the name and address of the owner of the dog, cat or animal that the By-Law Enforcement Officer or Police Officer shall serve notice on the owner of the dog, cat or animal that the dog, cat or animal is deemed to be a vicious dog, cat or animal and requiring the owner to comply with any or all of the requirements set out in Section 5.4 and 5.5.

5.3 Service of notice that a dog, cat or animal has been deemed a vicious dog, cat or animal may be effected on the person who shows in the Town's records as the owner of the dog, cat or animal, or where the dog, cat or animal does not appear to be registered pursuant to this By-law, on such other person who appears to be the owner of the dog, cat or animal. Service may be effected by personal service, by registered mail, or by posting up in a conspicuous place at the address shown in the records of the Town as the address of the owner of the dog, cat or animal, or there the dog, cat or animal is not registered under this By-law, at such address as appears to be the address of the owner of the dog, cat or animal. Service of the notice shall be effective upon the date that a personal service is effected or where served by registered mail or by posting, shall be deemed effective on the third day after mailing or posting as the case may be.

5.4 Every owner of a vicious dog, cat or animal shall at all times when the vicious dog, cat or animal is not in the owner's dwelling unit, but otherwise within the boundaries of the owner's premises, ensure that:

- (a) the vicious dog, cat or animal is muzzled so to prevent it from biting a person or animal;
- (b) the vicious dog, cat or animal is securely leashed on a leash which does not allow it to go beyond the Lot Line of the owner's lands; or
- (c) the vicious dog, cat or animal is confined within a secure structure in a good state of repair so as to prevent escape; and
- (d) a warning sign stating 'beware of dog' is posted in a conspicuous place so as to be visible from the road.

5.5 Every owner of a vicious dog, cat or animal shall at all times when the vicious dog, cat or animal is not within the boundaries of the owner's premises;

- (a) keep the vicious dog, cat or animal under effective control of a responsible person on a leash held by the person; and
- (b) keep the vicious dog, cat or animal muzzled.

5.6 Every owner of a vicious dog, cat or animal shall notify the Registrar within two (2) working days of any change in ownership or residence of the vicious dog, cat or animal and provide the Registrar with the new address and telephone number of the owner.

5.7 Where the owner of a vicious dog, cat or animal is informed that his dog, cat or animal has been deemed to be a vicious dog, cat or animal, the owner may, within fourteen (14) days of receipt of such notice, request in writing to the Secretary of the Planning and Development Executive Committee a hearing by the Planning and Development Executive Committee for that purpose. The Planning and Development Executive Committee may confirm the order, exempt

the owner from the muzzling or leashing requirements and modify the conditions for muzzling or leashing or both such requirements.

5.8 The notification that a dog, cat or animal is a vicious dog, cat or animal is effective the date it is served, even if a hearing to the Planning and Development Executive Committee is requested by the owner of the dog, cat or animal affected.

SECTION 6 – SEIZE AND IMPOUND

6.1 OFFICERS MAY SEIZE

A By-Law Enforcement Officer or Police Officer may seize and impound any dog, cat or animal found at large.

6.1.2 A By-Law Enforcement Officer or Police Officer may enter onto any private property without the consent of the owner of the property, for the purpose of discharging the duties imposed by this By-law and to enforce its provisions, without a search warrant, provided he or she is in active pursuit of a dog, cat or animal.

6.1.3 In no instance shall a By-Law Enforcement Officer or Police Officer enter into any dwelling unit or other building situated on private property without a search warrant authorizing such entry.

6.1.4 Any dog, cat or animal seized by a By-Law Enforcement Officer or Police Officer under this by-law shall be impounded for three (3) days from the time of its impoundment, exclusive of the day on which the dog, cat or animal was impounded, and days on which the pound facility is closed.

6.1.5 Any dog, cat or animal at large contrary to the provisions of this By-law which in the opinion of a By-Law Enforcement Officer or Police Officer appears to be vicious or rabid and to be a threat to the safety of the community, and which cannot be captured by a By-Law Enforcement Officer or Police Officer, may be killed by a Police Officer or other duly appointed officer. The owner of the dog, cat or animal shall not be entitled to damages or compensation on account of its killing.

6.1.6 Notwithstanding Section 6.1.4, where in the opinion of a By-Law Enforcement Officer or Police Officer, a dog, cat or animal seized under Section 6.1.1 is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons, dogs, cats, or animals, the By-Law Enforcement Officer or Police Officer may have the dog, cat or animal euthanized in a humane manner as soon as after seizure as he or she thinks fit without permitting any person to reclaim the dog, cat or animal without offering it for sale and no person shall be entitled to damages or compensation on account of the euthanasia.

6.1.7 Any person may capture any dog, cat or animal at large and trespassing on his or her property and, upon doing so, shall report capture of the dog, cat or animal to the By-Law Enforcement Officer who may impound the dog, cat or animal

6.1.8 During the impound period referred to in Section 6.1.4, the owner of the dog, cat or animal shall be entitled to redeem the dog, cat or animal upon:

- (a) payment of the impound fees and board fees in the amount as set out in the Schedule of Fees By-law, as amended.
- (b) payment of any veterinarian fees incurred for the well-being of the dog, cat or animal;
- (c) registering the dog, cat or animal in accordance with this By-law if there is no evidence the dog, cat or animal is already registered. When registration is completed as per this requirement, the registration fee is in accordance with the Schedule of Fees By-law, as amended.

6.1.9 If a dog, cat or animal is not redeemed within the time frame specified in subsection 6.1.4, the By-Law Enforcement Officer may dispose of the dog, cat or animal as they see fit without liability to any person for the disposition of the dog, cat or animal or the manner thereof.

6.2 PROTECTIVE CARE

6.2.1 The By-Law Enforcement Officer is authorized should they choose, upon a request of a Police Officer, Fire Chief or his or her designate, or paramedic to impound a dog, cat or animal for protective care purposes, pursuant to an incarceration, fire, medical emergency, or for any other situation that the By-Law Enforcement Officer deems appropriate and to keep such dog(s), cat(s) or animal(s) for a maximum of five (5) days.

6.2.2 In the event that the owner of a dog, cat or animal impounded for protective care does not claim the dog, cat or animal and pay the impound fees, protective care fees, as set out in the Schedule of Fees By-law, as amended within five (5) days, then on the sixth day, the dog, cat or animal shall be deemed to have been impounded as running at large in accordance with Section 6.1 and impound timelines as set out in Section 6.1.4 shall begin.

6.3 IMPOUND FEES

6.3.1 Where a dog, cat or animal is seized, or impounded for protective care, the owner, if known, shall be liable for the impound fees and protective care fees as set out in the Schedule of Fees By-law, as amended, before the dog, cat or animal is released to the owner.

6.3.2 Notwithstanding Section 6.3.1, in appropriate humanitarian circumstances, as determined by the By-Law Enforcement Officer, the By-Law Enforcement Officer, may, in his or her discretion, waive all or part of the impound fees and protective care fees, or provide for delayed or installment payments of same.

6.4 TRAP REGULATIONS

6.4.1 Any dog, cat or animal seized in accordance with Section 6.1.7 shall be:

- (a) trapped in a humane manner;
- (b) not kept in a trap for more than 24 hours;
- (c) protected from the elements while in a trap.

6.4.2 In no circumstance shall a person use any trap that causes or may cause injury, pain or suffering to an animal. Without limiting the generality of the foregoing, no person shall set a trap within the Town:

- (a) without permission being granted by the By-Law Enforcement Department;
- (b) no person shall use a killer trap, leg-hold trap, body gripping trap or snare.

6.4.3 Notwithstanding Sections 6.4.1 and 6.4.2 shall not apply to the trapping of an animal where the animal is trapped by a person who is licensed by Ministry of Natural Resources or is otherwise authorized by law to trap an animal, and the trapping is conducted in accordance with any applicable legislation.

SECTION 7 – REGULATIONS - PRESCRIBED BIRDS

7.1 PRESCRIBED BIRDS

7.1.1 A person may keep in a dwelling unit or on a premises with the Town, any combination of domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, ascaries, pied hornbills or cock-of-the-rocks, provided same are housed and kept in an escape proof enclosure.

7.2 HENS (FEMALE CHICKENS)

7.2.1 Any person keeping hens on their property are only permitted to do so within the Town of Fort Frances if the following requirements have been met by the property owner:

- (a) the hens are confined in either a hen coop or hen run; and the hens are kept in the hen coop between 9:00pm and 6:00am
- (b) the owner of the hens resides on the property where the hens are kept;
- (c) each hen is provided with food, water, shelter, light, ventilation, veterinary care and opportunities for essential behaviours such as scratching, dust-bathing and roosting, all sufficient to maintain the hen in good health;
- (d) establish a maximum area of 0.1 cubic metre for manure storage in an enclosed container;
- (e) the external storage of feed must be kept in a rodent-proof container within the coop area
- (f) must comply with all other applicable legislation.

7.3 HEN COOP CONSTRUCTION

7.3.1 Any hen coop which is erected, used or maintained for the housing of hens must:

- (a) be constructed in such a manner as to prevent the escape of the hens;
- (b) be constructed in such a way as to be rodent proof;
- (c) be equipped with perches and nest boxes to appropriately accommodate each hen;
- (d) no hen coop or hen run may be located in any front, side or flank yard as described in the Zoning By-Law;
- (e) must be located within the rear yard and must be a minimum of 3.0m from any rear lot line or side lot line;
- (f) at a distance of no less than 15m from any school, church or business.

7.2 HEN COOP MAINTAINENCE

7.2.1 Every owner of any building which is erected, used or maintained as a hen coop for the housing of hens shall be maintained as follows:

- (a) in a clean condition and free of obnoxious odours, substances and vermin;
- (b) all refuse and waste matter from the hen coop must be disposed of in a proper and sanitary manner and no such refuse or waste matter shall be burned or stored on the property.

7.3 GENERAL PROHIBITIONS

7.3.1 Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

7.3.2 The sale of eggs, meat, manure or other products derived from the hens is not permitted;

7.3.3 No owner shall cause or permit his or her hen to become a public nuisance by persistently clucking. No owner shall cause or permit his or her hen to violate the Noise By-law.

7.3.4 No owner shall cause or permit his or her hen to be at large.

7.3.5 No person shall keep a rooster.

SECTION 8 – PROHIBITED ANIMALS

8.1 GENERAL PROHIBITIONS

8.1.1 No person shall keep any animal other than a dog, cat, prescribed bird or prescribed animal within the Town of Fort Frances.

8.1.2 Nothing herein shall give any person any right to keep animals where such animal is prohibited by this By-law.

8.1.3 In the event that any setback requirements set out herein are inconsistent with the requirements set out in the Zoning By-Law, the requirements of the by-law which are more restrictive shall prevail.

8.2 PROHIBITED ANIMALS LISTING

8.2.1 The following list of animals are prohibited to be owned within the Town of Fort Frances. The list of prohibited animals may not include all animals prohibited in Town.

- All Marsupials (such as Kangaroos and Opossums)
- All Non-Human Primates (such as Gorillas and Monkeys)
- All Felids, (Except the Domestic Cat)
- All Canids (Except the Domestic Dog)
- All Viverrids (Such as Mongooses, Civets and Genets)
- All Mustelids (Such as Skunks, Weasels, Otters, Badgers) (Exception is domestic Ferret)
- All Ursids (Bears)
- All Artiodactylus Ungulates. (Such as Goats, Sheep, Pigs, and Cattle)
- All Procyonids (Such as Racoons, Coatis, Cacomistles, etc.)
- All Hyaenas
- All Perissodactylus Ungulates (Such as Horses and Asses)
- All Elephants
- All Pinnipeds (Such as Seals, Fur Seals, Walruses, etc.)
- All Snakes of the families Pythonidae and Boidae
- All Venomous Reptiles
- All Ratite Birds (Such as Ostriches, Rheas, Cassowaries, etc.)
- All Diurnal and Nocturnal Raptors (Such as Eagles, Hawks, Owls, etc.)
- All Edentates (Such as Anteaters, Sloths, Armadillos, etc.)
- All Bats
- All Crocodilians (Such as Alligators, Crocodiles, etc.)
- All Anatidae and Genus Cygnus (Ducks, Geese, Swans, etc.)

SECTION 9 – INTERFERE

9.1 INTERFERE

9.1.1 No person shall interfere with, hinder or molest a By-Law Enforcement Officer or Police Officer in the performance of their duties, or to seek to release any dog, cat or animal in the custody of the Town, except as herein provided.

9.1.2 No person shall tamper, remove or interfere with traps or equipment.

9.1.3 No person shall refuse to produce any documents or things required by a By-Law Enforcement Officer or Police Officer in the exercise of a power or performance of a duty under this by-law, and every person shall assist in entry, inspection, examination or inquiry by an agent.

9.1.4 No person shall knowingly furnish false information to a By-Law Enforcement Officer or Police Officer.

SECTION 10 – EXEMPTIONS

10.1 POLICE DOG EXEMPT

No part of this By-Law shall apply to a Police Dog or other working dog performing their legal duties.

SECTION 11 – PENALTIES

11.1 GENERAL PENALTIES

Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provisions

of this By-Law or any permit or order issued pursuant thereto, commits an offence and except where specifically set out in Schedule “B” attached to and forming part of this By-Law, shall be liable of a fine of not more than \$5,000 pursuant to the Provincial Offences Act, R.S.O., 1990, c. P.33, As amended. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

SECTION 12 – REPEAL

12.1 By-Law 17/90, By-Law 12/79, By-Law 45/87 and By-Law 16/90 and all amendments are hereby repealed.

This By-Law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 23rd day of October 2017.

Original signed by R. Avis

R. Avis, Mayor

Original signed by E. Slomke

E. Slomke, Clerk

TOWN OF FORT FRANCES
AREA LEASHING REQUIRED ALL TIMES

BY-LAW NO. 50/17
SCHEDULE “A”

<u>NO.</u>	<u>AREA LEASHING REQUIRED ALL TIMES</u>
1.	Point Park.
2.	Front Street (waterfront area) From Victoria Ave. To Col Rd. E.
3.	Seven Oaks Area.

Date: May 6, 2019

To: Tyson Dennis, Fort Frances Town Council

From: Douglas and Marlene Dickson

RE: 556 Webster Avenue Garage

I would like to construct a 24' x 34' garage on the back of my property. Inevitably I would like the option of converting part of the garage to a dwelling unit. I have included drawings for the proposed building along with a site plan. The property is zoned R2.

For your information our home is located at 556 Webster Avenue. The property is approximately 47' x 140'. Our home fronts Webster Avenue with a laneway to the North side of the property, and also a laneway to the rear east of the property. To the North is a church building that has recently been converted to a rental apartment block and to the South is a single family rental home.

Our existing home is only 520 square feet and is situated on the property where it would conflict with the side yard setbacks if we were to add on. Therefore, we feel this garage plan would be our preferred option.

We would like to gain some additional space when our children visit and possibly in-law space for future consideration.

The garage would be constructed to the required building code for a dwelling unit. The property size is large enough to construct the garage and still allow ample room for parking. We feel the design is compatible with the character of the surrounding neighborhood and will align with the town's Official Plan regarding residential intensification.

Douglas Allan Dickson

Cell 807-728-2401

Email: dougallandickson@icloud.com

556 WEBSTER AVE

47' - 4"

LANEWAY

136' - 11 1/4"

BACK LANE

EXISTING
HOUSE
520 SQ FT

26' - 0"

20' - 0"

PROPOSED
BUILDING
816 SQ FT

10' - 0"

24' - 0"

11' - 0"

34' - 0"

24' - 8"

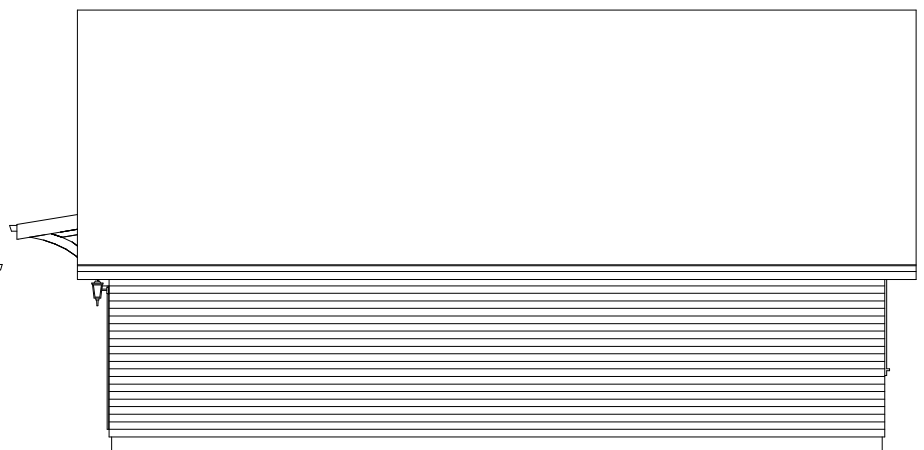
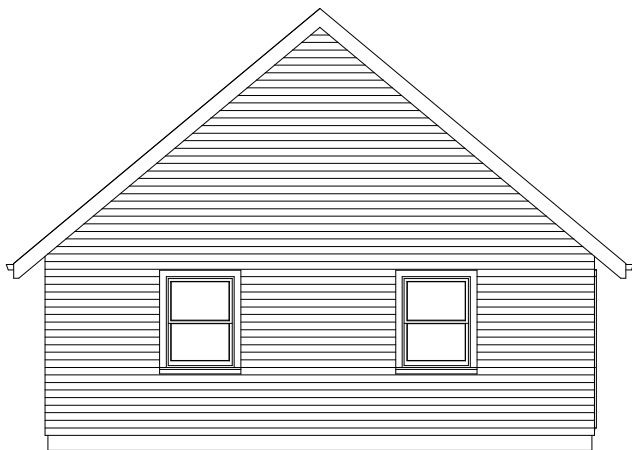
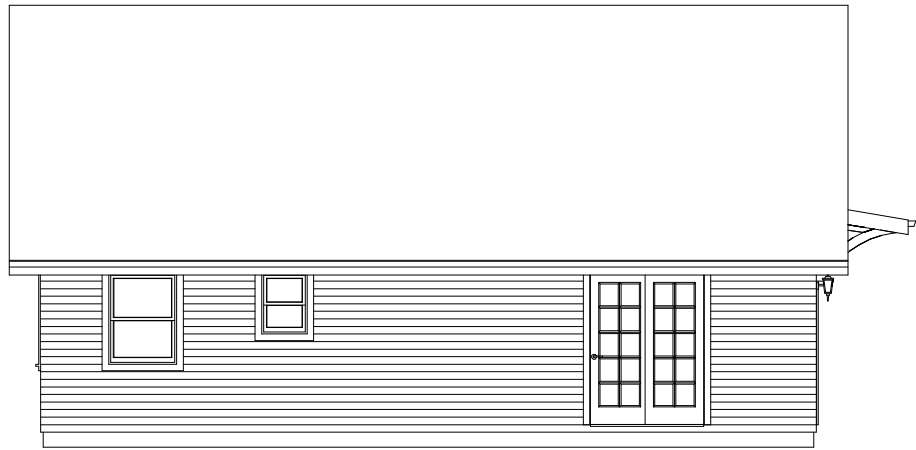
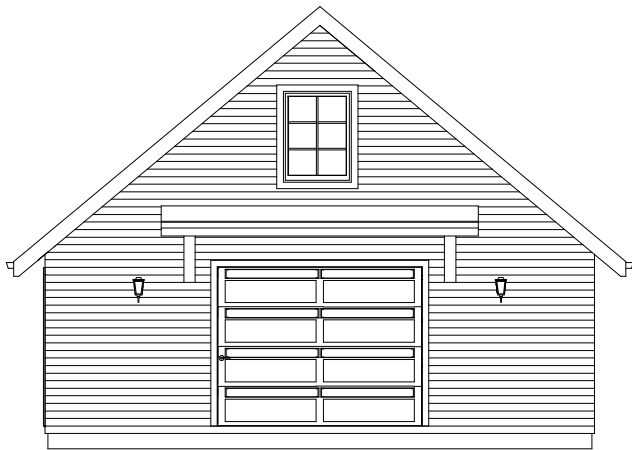
148' - 5 7/8"

① Level 1
3/32" = 1'-0"

Scale 3/32" = 1'-0"







Administration & Finance Division
Planning & Development Division
Phone: 807-274-5323
Fax: 807-274-8479

Mailing Address for All Divisions:
Civic Centre
320 Portage Avenue
Fort Frances, ON
P9A 3P9



Operations & Facilities Division
Phone: 807-274-9893
Fax: 807-274-7360

Community Services Division
Phone 807-274-4561
Fax: 807-274-3799

email: town@fortfrances.com
www.fort-frances.com

May 14, 2019

Douglas and Marlen Dickson
via email dougallanddickson@icloud.com

Dear Mr. and Mrs. Dickson:

At their meeting May 13, 2019, Council referred the letter dated May 6, 2019 from D. Dickson re: 556 Webster Ave. Garage request to the Planning & Development Executive Committee for recommendation.

By copy of this letter, your request has been referred as directed.

Please direct any questions you may have to P. Briere, By-law Enforcement Officer / Secretary to Planning & Development Executive Committee, at 274-5323, ext 1218.

Yours very truly,

ADMINISTRATION & FINANCE DIVISION

Elizabeth (Lisa) Slomke, Clerk

/es

c.c. Planning and Development Executive Committee
P. Briere, By-Law Enforcement Officer/Committee Secretary
T. Dennis, CBO/Official Planner