

TOWN OF FORT FRANCES  
POLICE SERVICES BOARD

AGENDA - May 31, 2019 - 8:30 a.m.

MEETING - Committee Room, Civic Centre  
Session No. 3

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1. <b><u>Call to Order</u></b>	
2. <b><u>Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.</u></b>	
3. <b><u>Disclosure of pecuniary interest and the general nature thereof</u></b>	
4. <b><u>Approval of Agenda</u></b>	
4.1 Session No.3 dated May 31, 2019.	
5. <b><u>Approval of Previous Board Minutes</u></b>	
5.1 Session No. 2 dated April 5, 2019.	3 - 5
6. <b><u>Standing Items</u></b>	
6.1 Rules and Procedures Protocol 2018.	6 - 28
6.2 Community Safety and Well Being Plan.	
6.3 Board Training.	
6.4 Provincial Appointments to PSB Board.	
7. <b><u>New Business</u></b>	
7.1 Request for input respecting current Animal Control By-Law 50/17.	29 - 48
7.2 Request from E. Fischer - NWHU re: Bike Share Program.	49 - 50
7.3 Request from Mayor Caul - Pedestrian/Bike/Scooter Safety.	51 - 55
7.4 Request from Linda Hamilton - Discussion of recent CBC news articles.	56 - 61
7.5 Letter to Town Council from D. Cuthbertson, Northwoods Gallery and Gifts re: Scott Street Concerns.	62 - 67
7.6 Update to the request - Cost of an enhancement to the contract for the use of two (2) specials constables for provision of Court Security.	
7.7 Update from J. McTaggart, Chair re: 2019 OAPSB Spring Conference	

and AGM.

**8. Detachment Commander's Report**

8.1 Detachment Commander's Report - Reporting on March & April, 2019.  
(please find attached).

**9. Next Meeting Date**

**10. In-Camera**

10.1 Operational Matter.

**11. Adjournment**

## TOWN OF FORT FRANCES

### MINUTES

### SESSION NO. # 2

April 5, 2019

The meeting of Police Services Board of the Town of Fort Frances was held in the Committee Room, Civic Centre on April 5, 2019 from 8:45 a.m. to 11:10 a.m.

PRESENT: Councillor J. McTaggart Chairperson, Mayor J. Caul and L. Hamilton

ALSO PRESENT: Detachment Commander N. Schmidt, D. Brown, CAO (8:45 a.m. to 10:47 a.m.), L. Slomke, Clerk/ Alternate Board Secretary (8:45 a.m. to 10:47 a.m.) and K. Lawson, Deputy Clerk/Board Secretary.

### REGRETS:

#### **1. Call to Order**

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

2.1 Inspector N. Schmidt re: 1) Risk Driven Tracking Database Agreement.  
- Inspector Schmidt was advised that a resolution approving his signing the document on behalf of the Board was approved at the last meeting. He will execute the document and the matter will now be furthered.

2.2 Inspector N. Schmidt re: In-Camera item - Operational Matter.

#### **3. Disclosure of pecuniary interest and the general nature thereof**

#### **4. Approval of Agenda**

4.1 Session No. 2 dated April 5, 2019.

12/19 Caul-Hamilton: THAT the Police Services Board approve the April 5, 2019 agenda as prepared with the addition of the Non Agenda items: 1) Risk Driven Tracking Database Agreement; and 2) In Camera item - Operational Matter.

CARRIED

#### **5. Approval of Previous Board Minutes**

5.1 Session No. 1 dated February 22, 2019

13/19 Caul-Hamilton: THAT the minutes of the Board Meeting being Session No. 1 dated February 22, 2019 having been typed and distributed to members be approved.

CARRIED

#### **6. Items Referred from Council**

6.1 Town of Fort Frances Anti Noise By-Law review - request for input from Planning and Development Executive Committee.  
- Inspector Schmidt advised after thorough review the recommendation from the OPP was not to make any changes to the existing by-law. The recommendation has been relayed to P. Briere, By-Law Enforcement Officer.

6.2 Town of Fort Frances Smoking By-Law - request for input from Planning and Development Executive Committee.  
*\*\*O.Reg. 268 - General - Smoke Free Ontario 2017 regulations - Please find attached for your reference.*

- Inspector Schmidt advised that the OPP had reviewed the draft Smoking By-Law, which took into consideration the Smoke Free Ontario regulations, and he was satisfied that it covered all of the OPP's concerns. This recommendation has been relayed to P. Briere, By-Law Enforcement Officer.
- D. Brown, CAO will be instructing administration to forward the draft by-law to the Town's solicitor for legal input.

## 7. New Business

- 7.1 Ontario Provincial Police - Rainy River District Mental Health Review 2016-2019.  
 - Inspector Schmidt provided an overview of the document for the committee. He stated that, with the psychiatrist working out the Kenora Hospital now retiring, there are emerging mental health issues having to be addressed by OPP officers.
- 7.2 Community Safety and Well-Being Plan.  
 - discussion was had surrounding the plan identified under Bill 68, which requires every municipality to have in place. The Rainy River District Social Services Administration Board has agreed to take the lead in the provision of this plan with input from all stakeholders. Board will forward a resolution of support.
- 14/19 Hamilton-Caul THAT the Police Services Board support having Rainy River District Social Services take the lead in the preparation of a Community and Well Being Plan.  
 CARRIED
- 7.3 Request for Policing Services Information from Councillor Douglas Judson.  
 - Chair McTaggart advised that he has enough information provided by Inspector Schmidt to respond to Councillor Judson's information request and will set up a meeting for this purpose. *Inspector Schmidt expressed concerns about an appendix to a document supplied by Councillor Judson being made public and it has been removed.*
- 15/19 Hamilton-Caul: THAT the Police Services Board request that Inspector N. Schmidt, Detachment Commander OPP seek cost of an enhancement to the contract for the use of two (2) special constables in place of the existing full time officers for the provision of court security.  
 CARRIED
- 7.4 February 2019 Detachment Commanders Report. (please find materials attached).
- 16/19 Hamilton-Caul: THAT the Town of Fort Frances Police Services Board receive the February 2019 Detachment Commander's report as presented by Inspector N. Schmidt, Detachment Commander, Rainy River District O.P.P.  
 CARRIED

## 8. Standing Items

- 8.1 Rules and Procedures Protocol 2018.  
 - this document will be further reviewed to ensure that it is compliant with **Bill 68 - An act with respect to community safety and policing** which received Royal Assent - March 26, 2019.
- 8.2 Speed Signs.  
 - Chair McTaggart advised it has been a while since he received a report from T. Rob, Manager Operations and Facilities for the two speed signs and would follow up.
- 8.3 New OPP Building update.  
 - Inspector Schmidt advised that construction is set to commence May 6th with an estimated completion dated of September 30, 2020. They will be looking at decommissioning the cells within the old detachment building once they are moved into their new location.

- 8.4 Provincial Appointees.  
- Chair McTaggart directed the Board Secretary to follow up with the Provincial Appointment Clerk to determine what the status of Provincial appointments to the Board were.

## 9. Information Correspondence

- 9.1 Association of Municipalities of Ontario (AMO) Submission - Bill 68 - Comprehensive Ontario Police Services Act, 2019.  
*\*\*Bill 68 - An act with respect to community safety and policing - **Received Royal Assent - March 26, 2019** (please find attached for your reference )*  
- received as information.
- 9.2 Save the Date - Zone 1 Joint OACP/OAPSB Meeting - October 9th and 10th, 2019 - Thunder Bay.  
- received as information.
- 9.3 Ontario Provincial Police Review - Volume 53- No. 2 Fall/Winter 2018. (please find copy attached).  
- received as information.  
- Inspector Schmidt advised that this will be the last paper print publication, and all future publications will be produced digitally.

## 10. Next Meeting Date - May 31st, 2019 - 8:30 a.m.

## 11. In-Camera

- 11.1 Inspector N. Schmidt - Operational Matters.  
- Board was provided an update on the matter.
- 17/19 Caul-Hamilton: THAT the Fort Frances Police Services Board now meet in camera in order to address a matter pertaining to: security of the property of the municipality or local board: Operational Matter.

CARRIED

## 12. Adjournment

- 12.1 The meeting adjourned at 11:10 a.m.
- 18/19 Hamilton-Caul: THAT this meeting of the Town of Fort Frances Police Services Board be now closed.

CARRIED

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Board Chair

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Board Secretary

**RULES & PROCEDURES PROTOCOL**

**BETWEEN**

**The Town of Fort Frances Police Services Board**

**AND**

**The Ontario Provincial Police**

## **RULES & PROCEDURES**

### **The Town of Fort Frances Police Services Board –**

**AND WHEREAS** the Police Services Board is required pursuant to Section 37 of the *Police Services Act* to establish its own rules and procedures in performing its duties under the Act.

**THEREFORE THE** Town of Fort Frances Police Services Board enacts the following Rules and Procedures:

#### **DEFINITIONS:**

- a) “Act” means the *Police Services Act*, R.S.O. cP.15;
- b) “Board” means the Town of Fort Frances Police Services Board;
- c) “Chair” means the Chair of the Board;
- d) “Acting Chair” means a member of the Board required to act from time to time in the place of the stead of the Chair or Vice Chair;
- e) “Detachment Commander” means the member of the Ontario Provincial Police assigned as Detachment Commander reporting to the Town of Fort Frances Police Services Board;
- f) “Council” means the Council of the municipality of the Town of Fort Frances’
- g) “Days” means calendar days exclusive of Saturdays, Sundays and Statutory holidays;
- h) “Member” means a member of the Town of Fort Frances Police Services Board;
- i) “Police Service” means policing provided under contract by the Ontario Provincial Police to the municipality of the Town of Fort Frances;
- j) “Quorum” means a majority of the Members of the Board in accordance with Section 35(2) of the Act;
- k) “Secretary” means the secretary of the Town of Fort Frances Police Services Board;
- l) “Local Policies” means the written policies established for police services in accordance with Section 10(9)(c) of the Act;
- m) “Provincial Policies” means the written policies contained within OPP Police Orders or directives established by the Ontario Provincial Police for the delivery of police services.

#### **APPLICATION:**

The rules and procedures contained herein shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board and with necessary modifications in a committee of the Board.

The Chair shall decide all points of order or procedure for which rules have not been provided for.

#### **BOARD COMPOSITION:**

In accordance with Section 27(4) of the Act shall consist of:

- a) the head of the Municipal Council or, if the head chooses not to be a member of the board, another member of the Council appointed by resolution of the Council;
- b) and another member of the Council appointed by resolution of the Council to the Board;
- c) one person appointed by resolution of the Council, who is neither a member of the Council nor an employee of the municipality;
- d) two persons appointed by the Lieutenant Governor in Council; and
- e) the terms of each board member be reviewed at the first meeting in December each year.

### **DUTIES AND RESPONSIBILITIES OF THE BOARD:**

The Board shall be responsible for those duties as set out in Section 10 of the Act and Section 30 and 32 of the Adequacy and Effectiveness of Police Services Regulation.

### **DUTIES AND RESPONSIBILITIES OF THE CHAIR:**

It shall be the duty and responsibility of the Chair to:

- a) Report on the activities of the Board and of the OPP to Council as required;
- b) Act as the spokesperson for the policy decisions of the Board;
- c) Set the agenda for all Board meetings;
- d) Open meetings of the Board by taking the chair and calling the members to order;
- e) Receive and submit all motions presented by the Members;
- f) Put to vote all resolutions presented by the Members and announce the results;
- g) Decline to put to vote all motions, which infringe upon the rules and procedures or are beyond the jurisdiction of the Board;
- h) Enforce the observance of order and decorum at all meetings;
- i) Close the meeting upon motion duly moved;
- j) If deemed necessary close, suspend, or recess the meeting;
- k) Sign all documents for and on behalf of the Board including but not limited to:
  - i) Policies;
  - ii) Resolutions;
  - iii) Agreements, and
  - iv) Protocols,which the Board has approved.
- l) Perform any other additional duties when directed to do so by motion of the Board.

### **DUTIES OF THE VICE CHAIR:**



In the event that the Chair is absent or vacant, the Vice Chair shall act in place of the Chair and shall have the same authority, rights and powers of the Chair.

### **SELECTION OF CHAIR AND VICE-CHAIR:**

In accordance with Section 28(1) and (2) of the Act, the members of the Board shall, at the first meeting held in December of each year, select from amongst its members, a chair and vice-chair for a term of one year.

The election of the Chair shall be conducted by the Secretary.

The election of the Vice-Chair shall be conducted by the Chair.

Any votes required under this section shall be taken as described by the provision of Section 61(1) and (2) of the Municipal Act, R.S.O. which requires that each member of the Board present shall indicate his or her vote openly, and that no vote be taken by ballot or any other method of secret balloting.

### **COMMITTEES OF THE BOARD:**

The Board may at any time appoint one or more members to a Committee of the Board to inquire into any matter within the jurisdiction of the Board.

The Committee shall report upon its work to the Board at the meeting of the Board immediately following the date of the Committee meeting or at a specified time agreed to by the Board.

### **REGULAR MEETINGS OF THE BOARD:**

The Board may hold their meetings the third Friday of every month at such place and time as may be determined by the Board.

The Chair shall preside at all meetings or in the absence of the Chair, the Vice Chair.

The Chair or in the absence of the Chair, the Vice Chair may cancel a regular meeting of the Board where the Chair or Vice Chair deems such meeting not warranted however such cancellation shall not permit the Board to hold less than four regular meetings each year.

### **SPECIAL MEETINGS OF THE BOARD:**

The Chair, or in the absence of the Chair, the Vice Chair, may at any time summon a special meeting of the Board and shall do so whenever requested by the majority of the Board.

The Secretary shall give notice to all Members of such special meetings by whatever means deemed expedient by the Secretary.

No special meeting of the Board shall be held with less than 24 hours notice to the Members.

Notification to the public of a special meeting will be deemed complete with notification to the print media (or other means as determined by the Board) 24 hours in advance of the meeting.

A meeting deemed to be In-Camera, will not require public notification.

No business may be transacted at a special meeting other than that specified in the notice of agenda.

### **THE CALLING OF THE MEETING TO ORDER:**

The Chair shall call the meeting to order as soon as possible after the time announced for the commencement of the meeting and a quorum is present.

If a quorum for either a regular or special meeting of the Board is not present within 30 minutes of the time fixed for the commencement of the meeting, the secretary shall indicate that no quorum was present and the meeting shall stand closed until the next regular meeting or such time as determined by the Chair.

### **BOARD AGENDA**

The secretary shall cause an agenda to be prepared for the use of the Members at the regular meetings of the Board in the following order:

- Call to Order
- Attendance
- Declaration of Pecuniary interest
- Request for Non-Agenda Items
- Approval of Agenda
- Approval of Minutes
- Issues arising from the Minutes
- Presentations/Delegations
- Correspondence
- Financial
- Detachments Commander's Report
- Committee Reports
- Other Business
- Public Discussion
- Date of Next Meeting
- Close

The Secretary shall receive all reports and supporting materials for the agenda at least 7 days prior to the regular Board Meeting and shall consult with the Chair prior to the completion of the agenda. An item that is not included in the agenda may not be introduced at the meeting without the consent of a majority of the Members present.

The Secretary shall receive every letter, petition and other communication addressed to the Board and shall:

- a) If in the opinion of the Secretary and confirmed by the Chair, the subject matter is properly within the jurisdiction of the Board, place it upon the agenda to be dealt with; or
- b) If in the opinion of the Secretary, and confirmed by the Chair, the subject matter is properly within the jurisdiction of the OPP Detachment Commander, shall refer the matter to him or her for necessary action and subsequent report to the Board.

The Secretary shall provide the agenda for each regular meeting to each Member of the Board not less than two days prior to the meeting.

#### **CODE OF CONDUCT OF MEMBERS**

- a) Board Members shall attend and actively participate in all Board Meetings.
- b) Board Members shall not interfere with the Police Services operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.
- c) Board Members shall undergo any training that may be provided or required for them by the Ministry of Community Safety and Correctional Services and the OAPSB.
- d) Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
- e) No Board member shall purport to speak on behalf of the Board unless he or she is authorized by the Board to do so.
- f) A Board Member who expresses disagreement with a decision of the Board shall make it clear that he or she is expressing a personal opinion.
- g) Board Members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office.
- h) Board Members shall uphold the letter and spirit of this Code of Conduct and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the Board.
- i) Board Members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Charter of Rights and Freedoms* (Canada).

- j) Board Members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
- k) Board Members shall not use their office to obtain employment with the Board or the Police Service for themselves, their family members ("family member" means the parent, spouse/same sex spouse or child of the person).
- l) A Board Member, who applies for employment with the Police Service, including employment on contract or on a fee for service, shall immediately resign from the Board.
- m) Board Members shall refrain from engaging in conduct that would discredit or compromise the integrity of the Board or the Police Service.
- n) A Board Member whose conduct or performance is being investigated or inquired into by the Ontario Civilian Police Commission(OCPC) under Section 25 of the Act or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the Board for the duration of the investigation or inquiry and hearing.
- o) If the Board determines that a Board Member has breached the Code of Conduct set out in this Regulation, the Board shall record that determination in its minutes and may –
  - i) require the member to appear before the Board and be reprimanded
  - ii) request that the Ministry of Community Safety and Correctional Services conduct an investigation into the member's conduct; or
  - iii) request that the Commission conduct an investigation into the member's conduct under Section 25 of the Act.

### **CONFLICT OF INTEREST**

Where a Member, either on his or her own behalf or while acting for another, has any pecuniary interest, either direct or indirect, in any matter which is the subject of consideration at a meeting of the Board shall:

- a) prior to any consideration of the matter at the meeting, disclose the conflict of interest and general nature thereof;
- b) not take part in any discussion of, or vote on any question in respect of the matter; and
- c) not attempt in any way influence the voting on any such matter either before, during or after the meeting
- d) forthwith leave the meeting for that part of the meeting during which the matter is under consideration.

Where the conflict of interest has not been disclosed by reason of the Member's absence from the meeting, the Member shall disclose his or her interest and otherwise comply at the first meeting of the Board immediately following the meeting in which the matter was considered.

The Secretary shall record the particulars of any disclosure of interest in the minutes of the meeting.

### **HEARING OF DELEGATIONS**

Delegations will only be heard at regular meetings of the Board provided that the person(s) representing the delegation has provided at least 5 days written notice of the request.

A request for a delegation shall include a list of the person(s) who will be appearing before the Board and information as to the content of the presentation.

Unless approved by the Chair delegations shall be restricted to presentations of no more than 10 minutes.

Upon receipt of the written notice the Secretary shall list the delegation on the appropriate meeting agenda.

The Chair may curtail any delegation, any questions or debate during a delegation for disorder or any other breach of this policy and, where the Chair rules that the delegation is concluded, the person(s) appearing shall immediately withdraw.

### **RULES OF DEBATE:**

Every Member, before speaking to a question or motion, shall first receive recognition from the Chair.

When a Member wishes to speak on any question, motion, or item, they shall in an orderly manner obtain the Chair's attention and the Chair shall keep a list of those Members who wish to speak. The Chair then shall recognize the Members in the order in which they came to the Chair's attention.

When a Member is speaking, no other Member shall pass information between any Member of the Board, or interrupt that Member except to raise a point of order.

No Member shall speak to the same question or motion for more than 10 minutes, without leave of the Chair.

After a question is put by the Chair, no Member shall speak to the question nor shall any other motion be put forward until after the vote has been taken and the results declared.

If a Member considers that a ruling by the Chair is not in order, an appeal may be made. In the event of an appeal, the Chair may give a brief explanation of the ruling and ask the Members "Is the ruling of the chair upheld?" In the event of a tie vote, the ruling is upheld. The Decision of the Board under this section is final.

## **MOTIONS:**

All motions shall be duly moved and seconded before being discussed or put to a vote.

The Chair shall read a motion before a vote is taken.

After a motion has been moved, the mover may withdraw it at any time prior to a vote being taken.

A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions to:

- a) close;
- b) amend;
- c) refer;
- d) suspend the rules of procedure;
- e) vote on the question.

A motion to close the meeting may be made at any time except when:

- a) a Member is speaking;
- b) the question has been called;
- c) a Member has indicated to the Chair his or her desire to speak on the question.

A motion to amend shall:

- a) be relevant to the question to be decided;
- b) not be received if it in essence constitutes a rejection of the main questions.

A motion to refer the question shall include:

- a) the name of the Committee or other body or official to whom the question is referred; and
- b) the terms upon which the question is to be deferred.

Debate upon a motion to refer shall only be permitted on the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be permitted until dealt with.

No question shall be considered more than once at a meeting of the Board.

## **VOTING ON MOTIONS:**

A motion shall be deemed to be carried when a majority of the Members present and voting have expressed their agreement.

When, in the opinion of the Chair or upon the request of a Member, a question contains distinct proposals, the Chair may divide the question, and then a vote upon each proposal shall be taken separately.

Every Member present at a meeting of the Board when a question is put shall vote unless prohibited by statute, and the secretary shall record the name of the Member and the reason for prohibition.

The Secretary shall conduct the vote in a counter-clockwise direction starting on the chair's right hand, asking the Members to indicate in favour with "yea" and opposed with "nay".

The Secretary will advise the Chair of the count of the vote who in turn will announce the results.

Where on any question there is a tie vote, the motion shall be deemed to have been lost.

### **PUBLIC AND IN-CAMERA MEETINGS:**

Meetings and hearings conducted by the Board shall be open to the public, subject to subsection (2), and notice of them shall be published in the manner that the Board determines.

The Board may exclude the public from all or part of a meeting or hearing if it is of the opinion that:

- a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
- b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.
- c) Members may attend a meeting via electronic means such as teleconference or video conference.

No person other than the Members, Secretary, Detachment Commander, and other persons invited by the Chair shall attend in-camera meetings of the Board.

## **POLICIES**

Every policy shall be introduced upon written motion by a Member, and any number of policies may be introduced together in one motion, but the Chair may, at the request of a Member, deal separately with each.

Every policy introduced shall be in typewritten form and shall be complete with the exception of the number and the date of the policy.

Every policy which has been passed by the Board shall be numbered, dated and signed by the Chair and Secretary, and shall be filed by the Secretary in a secure and proper facility.



**Protocol for the Participation in the Selection of the  
Detachment Commander**

**BETWEEN**

**THE TOWN OF FORT FRANCES POLICE SERVICES BOARD**

**AND**

**THE ONTARIO PROVINCIAL POLICE REGIONAL COMMANDER**

**WHEREAS** the Municipality of Fort Frances is required pursuant to Section 4(1) of the *Police Services Act* to provide adequate and effective police service in accordance with its needs;

**AND WHEREAS**, the Municipality of Fort Frances has entered into a contract with the Ministry of Community Safety & Correctional Services, pursuant to Section 10(1) of the *Police Services Act* for the provision of police services for the municipality by the Ontario Provincial Police;

**AND WHEREAS**, the municipality is required pursuant to Section 10(2) of the *Police Services Act* to have a Police Services Board;

**AND WHEREAS**, the Police Services Board is required, pursuant to Section 10(9)(a) of the *Police Services Act*, to participate in the selection of the Detachment Commander;

**THEREFORE THE PARTIES HEREBY AGREE THAT:**

1. The Ontario Provincial Police Regional Commander shall ensure that the Fort Frances Police Services Board is advised, at the earliest opportunity, of the need to select a new Detachment Commander.
2. Fort Frances Police Services Board shall participate in the selection of the Detachment Commander by providing sufficient members to a joint committee consisting of board members and persons nominated by the Commissioner.
3. In the event two or more municipalities receive policing services under Section 10 from the same Detachment, the Fort Frances Police Services Board shall work with all other involved boards to ensure the Police Services Boards supply sufficient numbers, so as to provide equal representation on the selection review panel.

**Protocol for the Monitoring of the Performance of the  
Detachment Commander**

**Between**

**The Fort Frances Police Services Board**

**And**

**The Ontario Provincial Police Regional Commander**

**WHEREAS** the Municipality of Fort Frances is required pursuant to Section 4(1) of the *Police Services Act* to provide adequate and effective police service in accordance with its needs;

**AND WHEREAS**, the Municipality of Fort Frances has entered into a contract with the Ministry of Community Safety & Correctional Services, pursuant to Section 10(1) of the *Police Services Act* for the provision of police services for the municipality by the Ontario Provincial Police;

**AND WHEREAS**, the municipality is required pursuant to Section 10(2) of the *Police Services Act* to have a Police Services Board;

**AND WHEREAS**, the Police Services Board is required, pursuant to Section 10(9)(d) of the *Police Services Act*, to monitor the performance of the Detachment Commander;

**THEREFORE THE PARTIES HEREBY AGREE THAT**

1. The Fort Frances Police Services Board shall provide the Ontario Provincial Police Regional Commander before March 31<sup>st</sup> each year with a report on the performance of the Detachment Commander.
2. The report shall indicate the Detachment Commander's performance as it directly relates to the responsibilities of the board;
3. The Board shall include specific examples of unsatisfactory performance.

## ANNUAL PERFORMANCE REPORT

In accordance with Board responsibilities as per Section 10(9) of the Police Services Act the Board shall:

1. ***Generally determine objectives and priorities for police services, after consultation with the detachment commander or his/her designate;***

The Detachment Commander consistently provides the Board with the necessary information, support and personal access to meet this requirement.

☐

Strongly Agree  
Disagree

☐

Agree

☐

Somewhat Agree

☐

Disagree

☐

Strongly

Comments: \_\_\_\_\_

\_\_\_\_\_

2. ***Establish, after consultation with the detachment commander or his/her designate, any local policies with respect to police services.***

The Detachment Commander consistently provides the Board with the necessary information, support, advice, and personal access to meet this requirement.

☐

Strongly Agree  
Strongly Disagree

☐

Agree

☐

Somewhat Agree

☐

Disagree

☐

Comments: \_\_\_\_\_

\_\_\_\_\_

3. ***Receive regular reports from the Detachment Commander or his/her designate on disclosures and decisions made under Section 49 (Secondary Activities);***

The Detachment Commander regularly provides the Board with the required information.

☐

Strongly Agree  
Disagree

☐

Agree

☐

Somewhat Agree

☐

Disagree

☐

Strongly

Comments: \_\_\_\_\_

\_\_\_\_\_

**4. Review the Detachment Commander's administration of the complaints system under Part V and receive regular reports from the detachment commander or his/her designate on his/her administration of the complaints system.**

The Detachment Commander regularly provides the Board with the required information and administers the complaints system in an appropriate manner.

☐

Strongly Agree  
Disagree

☐

Agree

☐

Somewhat Agree

☐

Disagree

☐

Strongly

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Under Section 4(1) of the Police Services Act, each municipality is responsible for the provision of adequate and effective police services in accordance with its needs.**

The Detachment Commander consistently strives to ensure the delivery of adequate and effective policing services consistent with local objectives, priorities, and policies.

☐

Strongly Agree  
Disagree

☐

Agree

☐

Somewhat Agree

☐

Disagree

☐

Strongly

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Protocol for the Review of the Detachment Commander's Administration of The  
Complaints System Under Part V of the Police Services Act**

**BETWEEN**

**THE TOWN OF FORT FRANCES POLICE SERVICES BOARD**

**AND**

**THE ONTARIO PROVINCIAL POLICE DETACHMENT COMMANDER**

**WHEREAS** the Town of Fort Frances is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs;

**AND WHEREAS**, the Town of Fort Frances has entered into a contract with the Ministry of Community Safety & Correctional Services pursuant to Section 10(1) of the Police Services Act for the provision of police services for the municipality by the Ontario Provincial Police;

**AND WHEREAS**, the Town of Fort Frances is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board;

**AND WHEREAS**, the Town of Fort Frances Police Services Board is required pursuant to Subsection 10(9)(f) of the Police Services Act to review the Detachment Commander's administration of the complaints system under Part V of the Police Services Act;

**AND WHEREAS**, the Town of Fort Frances Police Services Board has a responsibility to ensure that complaints are properly administered;

**AND WHEREAS**, the Town of Fort Frances acknowledges that the complaints system under Part V of the Police Services Act is administered by the Professional Standards Bureau of the Ontario Provincial Police;

**AND WHEREAS**, the Town of Fort Frances Police Services Board acknowledges that the Detachment Commander is responsible under section 62 of the Police Services Act

for administering complaints made against local polices established under Section 10(9)(c) of the Police Services Act.

**THEREFORE THE PARTIES HEREBY AGREE THAT:**

1. The Ontario Provincial Police Detachment Commander shall provide the Town of Fort Frances Police Services Board with statistical monthly reports on complaint administration.
2. The report shall be restricted to complaints that occur within or are a result of activity within the Town of Fort Frances.

The Report shall include:

- whether the complaint was from a member of the public or generated internally;
- the nature of the alleged misconduct or service complaint;
- whether the complaint is under investigation or complete;
- whether the complaint is substantiated or unsubstantiated; and
- Any Criminal or Police Services Act proceedings as a result of a complaint.

**Protocol for the Report of Disclosures and Decisions made under  
Section 49 of the Police Services Act (Secondary Activities)**

**BETWEEN**

**The Town of Fort Frances Police Services Board**

**AND**

**The Ontario Provincial Police Detachment Commander**

**WHEREAS** the Town of Fort Frances is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs;

**AND WHEREAS**, the Town of Fort Frances has entered into a contract with the Ministry of Community Safety & Correctional Services pursuant to Section 10(1) of the Police Services Act for the provision of police services for the municipality by the Ontario Provincial Police;

**AND WHEREAS**, the Town of Fort Frances is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board;

**AND WHEREAS**, the Detachment Commander is required to provide to the Police Services Board regular reports on disclosures and decisions made under Section 49 of the Police Services Act;

**AND WHEREAS**, The Town of Fort Frances Police Services Board acknowledges that disclosures and decisions made under Section 49 of the Police Services Act are the responsibility of the Director, Professional Branch;

**THEREFORE THE PARTIES HEREBY AGREE THAT:**

1. The Ontario Provincial Police Detachment Commander shall provide the Town of Fort Frances Police Services Board with monthly reports, on disclosures and decisions under Section 49 Police Services Act.
2. The report shall be restricted to disclosures and decisions for those officers under the command of the Detachment Commander who are assigned full-time or regular policing responsibilities within the municipality.

**Protocol for the Sharing of Information**

**BETWEEN**

**The Town of Fort Frances Police Services Board**

**AND**

**The Corporation of the Town of Fort Frances**

**WHEREAS** the Town of Fort Frances is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs;

**AND WHEREAS**, the Town of Fort Frances has entered into a contract with the Ministry of Community Safety & Correctional Services pursuant to Section 10(1) of the Police Services Act for the provision of police services for the municipality by the Ontario Provincial Police;

**AND WHEREAS**, the Town of Fort Frances is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board;

**AND WHEREAS**, the Town of Fort Frances Police Services Board is required by Section 32(1) of the Ontario Regulation 3/99 (The Adequacy and Effectiveness of Police Services Regulation) to enter into a protocol with the Council of the municipality that addresses:

- a) the sharing of information with municipal council, including the type of information to be shared and the frequency for sharing such information;
- b) the dates by which the Action Plan and Annual Report shall be provided to municipal council;
- c) the responsibility for making public the Action Plan and annual report, and the dates by which the Action Plan and Report must be made public; and
- d) if the municipal council chooses, jointly determining and participating in, the consultation processes for the development of the Action Plan.

**THEREFORE THE PARTIES HEREBY AGREE THAT:**

1. The Town of Fort Frances Police Services Board shall provide the Clerk/CAO for the Corporation of the Town of Fort Frances:



- a) In January of each year, with notices of the dates, times and locations of the Police Services Boards regular meetings;
  - b) The Town of Fort Frances shall send their request to the Police Services Board for the Detachment Commander to appear/report before council. The Chair of the Police Services Board will also appear at the Council Meeting with the Detachment Commander.
  - c) Copies of the public agenda on the Monday preceding the Boards scheduled meeting dates; and
  - d) Copies of the minutes two weeks following the Boards' said meetings.
2. The Board and the Detachment Commander may host a public information session on current policing issues in the Town.
  3. The Town of Fort Frances Police Services Board shall:
    - Provide the Clerk/CAO with notice of any public meetings, or other consultation processes scheduled by the Board for the development of the Action Plan.
    - Provide the Clerk/CAO with a copy of the Action Plan no later than 30 days following completion;
    - Make the Action Plan available to the public no later than 30 days following release to the Clerk/CAO; and
    - Provide copies of the Police Services Annual Report to the Clerk/CAO and make it available to the public on or before June 30<sup>th</sup> annually.
  4. This protocol is subject to the provisions of Section 41 (1.1) of the Police Services Act, as amended, and the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

**Protocol for the Preparation of a Action Plan in Accordance with Section 30  
Of the Adequacy and Effectiveness of Police Services Regulation**

**BETWEEN**

**The Town of Fort Frances Police Services Board**

**AND**

**The Ontario Provincial Police Detachment Commander**

**WHEREAS** the Municipality of Fort Frances is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs;

**AND WHEREAS**, the Municipality of Fort Frances has entered into a contract with the Ministry of Community Safety & Correctional Services pursuant to Section 10 (1) of the Police Services Act for the provision of police services for the municipality by the Ontario Provincial Police;

**AND WHEREAS**, the municipality is required pursuant to Section 10 (2) of the Police Services Act to have a Police Services Board.

**AND WHEREAS**, the Police Services Board is required, pursuant to Section 30 of the Adequacy and Effectiveness of Police Services Regulations to prepare a Action Plan at least once every three years;

**THEREFORE THE PARTIES HEREBY AGREE THAT:**

1. The Ontario Provincial Police Detachment Commander shall, with the support and direct participation of the Board, prepare a Action Plan for submission to the Board at least once every three years;
2. The development of the Action Plan shall include a consultation process that involves and includes;
  - a) the Municipal Council;
  - b) the School Boards
  - c) Community organizations and groups;

d) Business and members of the Public

3. The Action Plan shall address:

- a) the objectives, core business and functions of the contracted OPP Police Service, including how it will provide adequate and effective police services;
- b) quantitative and qualitative performance objectives and indicators relating to:
  - i) the police force's provision of community-based crime prevention initiatives, community patrol and criminal investigation services,
  - ii) community satisfaction with police services
  - iii) emergency call for service
  - iv) violent crime and clearance rates for violent crime,
  - v) property crime and clearance rates for property crime,
  - vi) youth crime, and clearance rates for youth crime
  - vii) police assistance to victims of crime and re-victimization rates, and
  - viii) road safety.
- c) information technology;
- d) resource planning; and
- e) police facilities.

**THE TOWN OF FORT FRANCES POLICE SERVICES BOARD**  
**AND**  
**THE ONTARIO PROVINCIAL POLICE REGIONAL COMMANDER**

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John McTaggart, Chair  
Fort Frances Police Services Board

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Chief Superintendent Dave Lucas  
Regional Commander Northwest Region,  
Ontario Provincial Police

Dated at Fort Frances this      day of                      , 2018.

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](mailto: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

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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](mailto:town@fortfrances.com)  
[www.fort-frances.com](http://www.fort-frances.com)

May 14, 2019

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

via email [rjschulz1977@gmail.com](mailto: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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 31<sup>st</sup> 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*

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R. Avis, Mayor

*Original signed by E. Slomke*

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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.



**From:** Elaine Fischer [<mailto:efischer@nwhu.on.ca>]  
**Sent:** 13-May-19 11:51 AM  
**To:** Coran, Tracey (OPP) <[Tracey.Coran@opp.ca](mailto:Tracey.Coran@opp.ca)>  
**Subject:** Police Services Board- Bike Share Program

**Subject:** Police Services Board- Bike Share Program

Fort Frances Police Services Board

Thank you for taking the time to review the following request.

My name is Elaine Fischer and I'm a Health Promoter at the Northwestern Health Unit. I'm working with several local partners on the development of bike share program for Fort Frances.

I'm hoping the OPP can assist us with any of the following information that will help with planning and development of the program:

- Number/rates of bicycle theft in community?
- Any information about highest areas of reported bike thefts in and around the community?
- Any information on the areas where most bikes are found/retrieved?
- Finally, would the OPP consider donating found/retrieved bicycles to a community bike share program in order to help develop a local program?

**More info about potential Bike Share program:**

We want to partner with the RRDSB Techways Program, Safe Communities, OPP, KidSport Fort Frances and other partners to introduce a local bike share program in Fort Frances.

The school board introduced a program called Techways- a new initiative geared towards engaging students in hands-on learning experiences which will maximize students opportunities to career pathways.

We've met together and would like to model and implement a very successful program operating out of Beaver Brae School in Kenora.

1. Bikes get donated by the community to the Bike Share program
2. Students in the Techway repair donated bikes
3. The bikes then get turned back into the community for low-income or under-serviced children and families that need access to bikes.
4. It's a win-win. Students learn hands on experiential skills. Their work goes back into the community to benefit other children and families.

Thank you for your time. If you have any questions for concerns, please feel to contact me.

Elaine Fischer

807-274-9827 ext. 3036388



**From:** [John McTaggart](#)  
**To:** [June Caul](#); [Linda Hamilton](#); [Schmidt, Nathan \(OPP\)](#); [Kathy Lawson](#)  
**Subject:** Re: Agenda item for next PSB Meeting  
**Date:** Tuesday, May 14, 2019 10:15:12 PM

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Hi June,

I welcome this discussion once again, it is topic that the PSB has has addressed in the past but is worth consideration again.

Thanks

John

Get [Outlook for iOS](#)

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**From:** June Caul  
**Sent:** Tuesday, May 14, 2019 1:26:55 PM  
**To:** John McTaggart; Linda Hamilton; Schmidt, Nathan (OPP)  
**Subject:** Agenda item for next PSB Meeting

Hi everyone. I would like to have a conversation at our next Police Services Board meeting regarding Pedestrian/Bike/ Scooter safety. We need to get back to teaching everyone which side of the road you should walk on, facing oncoming traffic when there is no sidewalk. Also the public needs to learn to ride bikes and scooters on the roadways remembering that they are a vehicle. These safety practices need to be reminded and retaught to everyone. The majority of people do not practice this safely and it needs enforcing.

Thank you,

June Caul

- 4.12.4 When properly worded signs are erected and are on display, no person other than those users identified in Subsection 4.12.3 shall park a vehicle in a designated parking space identified as a reserved parking space.
- 4.12.5 Rates to be paid for rental of reserved parking spaces shall be as set out in the current schedule of fees attached to the Town's Fees By-Law.
- 4.12.6 Council may from time to time, by by-law, adopt and/or modify a form of agreement setting out the terms by which persons may rent reserved parking spaces for periods up to and including twelve months on approval authority of the Town Clerk.
- 4.12.7 Council may from time to time approve, by by-law, separate agreements for the rental of reserved parking spaces with terms in excess of twelve months and at rental rates as set out in said agreements which may be different from those rates provided in 4.12.5 above.

5. SECTION FIVE-Operation of Vehicles

- 5.1 Rate of Speed:
- 5.1.1 No person shall drive a motor vehicle on the highways or portions of highways designated in Column 1, 2 and 3 of Schedule "J" attached hereto at a greater rate of speed than is prescribed in Column 4 of said Schedule "J";
- 5.1.2 No person shall drive a motor vehicle on the highways or portion of highways in the Town of Fort Frances at a greater speed than 50 km. per hour, except as may be otherwise provided for within this By-Law.
- 5.2 Turns:
- 5.2.1 Every driver of a vehicle before starting, stopping, turning or changing its course shall take the necessary precautions to make such movement in safety without interfering with other traffic;
- 5.2.2 No driver of a vehicle shall make a U-Turn upon any street unless it can be made in safety and without interfering with other traffic;
- 5.2.3 When a properly worded sign to that effect is displayed, no vehicle in any intersection or portion of road set out in Column 1 of Schedule "K" attached hereto, proceeding in the direction or emerging from a property set out in Column 2 of the said Schedule "K" shall be turned in the direction set out in Column 3 of the said Schedule "K" during the times or days set out in Column 4 of the said Schedule "K";
- 5.2.4 When a properly worded sign to that effect is displayed, no vehicle shall be permitted to turn right when a red signal-light is shown by a signal-light traffic control system at an intersection as set out in Schedule "L" attached to and forming part of this By-Law;
- 5.2.5 When a properly worded sign to that effect is displayed, no vehicle shall turn or proceed other than in the direction indicated as set out in Schedule "K" or Schedule "M" (Turns) attached to and forming part of this By-Law;
- 5.3 Driving on Sidewalk, Curb or Boulevard:
- 5.3.1 No person shall drive a vehicle within any sidewalk area, or on a curb or boulevard except at a permanent or temporary driveway



installed in conformance with Town policy. No person shall drive a bicycle within any sidewalk area or on a curb.

5.4 Obstructing Traffic:

5.4.1 No person shall drive any vehicle upon or along any highways so as to obstruct traffic.

5.5 Entering Highway:

5.5.1 The driver of a vehicle emerging from a driveway, lane, lot or building shall stop the vehicle immediately prior to driving onto the sidewalk and shall not enter the roadway until it can be done safely.

5.6 Yield Signs:

5.6.1 The erection of yield right-of-way signs at the intersections set out in Schedule "N" attached hereto is hereby provided for.

5.7 Passing on Right:

5.7.1 The streets or highways described in Schedule "Y" shall be marked in the centre portion with a broken or solid yellow line or combination thereof, and on each side of the said centre line with a solid white line so as to provide for one lane of vehicular traffic in each direction adjacent to the said centre line of the street or highway and provide for a parking or a non-traveled lane, as the case may be, adjacent to the curb or edge of the street or highway;

5.7.2 Where properly worded signs have been erected and are on display, no person shall overtake and pass another vehicle proceeding in the same direction on the right of the vehicle being overtaken except where such vehicle being overtaken is or is in the process of making a left hand turn from the street or highway, where the making of such a left turn impedes the movement of vehicular traffic upon the traveled portion of the street or highway;

5.8 Keep to Right:

5.8.1 Where properly worded signs have been erected and are on display, vehicles shall keep to the right side of the roadways set out in Schedule "O" attached hereto.

5.9 No Entry:

5.9.1 Where properly worded signs have been erected and are on display, vehicles shall not enter roadways as set out in Schedule "P" attached hereto.

5.10 Funeral and Other Processions:

5.10.1 No person shall intersect a funeral or other properly authorized procession while it is in motion except under the direction of a peace officer;

5.10.2 The driver of a vehicle in a funeral or other procession shall drive as near to the right-hand edge of the roadway as is practicable and follow the vehicle ahead as closely as it is practicable and safe.

5.11 Roller Skate, Etc.:

## CYCLISTS AND MOTORISTS MUST SHARE THE ROAD AND LEARN ROAD SAFETY RULES

**(FORT FRANCES, ON)** - The Rainy River District Detachment of the Ontario Provincial Police (OPP) wish to remind motorists that cycling is a fun and healthy activity, and it's a low-cost way to get around. It's also good for the environment. Before heading out on a bike, ensure that you learn the rules of the road, helmet information and safety tips for cyclists of all ages.

**Rules of the Road:** As a cyclist, you must share the road with other (e.g. cars, buses, trucks, and motorcycles). Under the Ontario Highway Traffic Act (HTA), a bicycle is a vehicle, just like a car or truck. Please visit the Ontario Ministry of Transportation to view the Ontario Guide to Safe Cycling at <http://www.mto.gov.on.ca/english/safety/bicycle-safety.shtml> for more information.

As it is for cyclists, it is equally important for drivers of motor vehicles to ensure that they share the roadway. Under the Ontario HTA, drivers must leave a minimum of one-metre distance when passing a cyclist. Do not follow too closely behind cyclists. They do not have brake lights to warn you when they are slowing or stopping. To avoid collisions with bicyclists at intersections, remember the following:

- When turning right, signal and check your mirrors and the blind spot to your right to make sure you do not cut off a cyclist.
- When turning left, you must stop and wait for oncoming bicycles to pass before turning.
- When driving through an intersection, be careful to scan for cyclists waiting to turn left.

Under the Ontario Highway Traffic Act, cyclists, motorists and pedestrians have equal rights and access to our roadways. All users have to share the road; share the respect.

-30-

Contact: Provincial Constable Yenta Davidson

Community Safety Officer / Media Relations

Phone: (807) 274-3322

Email: [Yenta.Davidson@OPP.ca](mailto:Yenta.Davidson@OPP.ca)



Ontario Provincial Police  
Police provinciale de l'Ontario

## News Release/ Communiqué

FROM/DE: Rainy River District OPP

DATE: August 2, 2017

### SAFETY TIPS WHEN OPERATING PERSONAL MOBILITY DEVICE

**(FORT FRANCES, ON)** – The Rainy River District Ontario Provincial Police (OPP), are reminding the public to exercise extreme caution when operating Personal Mobility Devices. The devices are designed and intended to be used by persons with mobility disabilities. Extreme caution should be exercised when meeting or passing pedestrians. Where no sidewalks exist the devices must travel along the left shoulder of the roadway facing oncoming traffic, like pedestrians. The motoring public are also reminding to keep observation of mobility devices when driving throughout the Town of Fort Frances and the Rainy River District.

We also like to remind pedestrians that they are responsible to follow rules while walking on Ontario's roadways. Under The Highway Traffic Act, it is an offence to walk on the same side as traffic; that is walking facing the same direction as traffic. This law is in place to protect pedestrians from being injured. Members of the public are urged to ensure their activities are lawful, and more importantly, safe.

- 30 -

Contact: Provincial Constable Guy Beaudry

Phone: (807) 274 3322





Canada

## OPP officer feels 'emboldened to speak' as province announces probe into force's culture



New commissioner says OPP will provide our 'full support to the panel'

[Timothy Sawa, Kimberly Ivany and Mark Kelley](#) · CBC News ·

Posted: Apr 30, 2019 4:00 AM ET | Last Updated: April 30



A panel will hear from current and former OPP members as it probes the police force's workplace culture. (Kimberly Ivany/CBC)

Many Ontario Provincial Police officers are feeling vindicated and hopeful after the province announced it is launching an external review of the workplace culture at Canada's second largest police force.



The review follows an investigation by the CBCs *The Fifth Estate* that revealed 13 officers died by suicide since 2012.

The CBC investigation also showed that dozens of police officers complained about bullying and harassment inside the OPP for years.

The review, which was first announced on Monday, is expected to begin in May.

"I think it's wonderful news. It's a positive step in the right direction," said recently retired OPP officer Robin Moore.

Moore told his story publicly for the first time to *The Fifth Estate*, saying he was harassed by senior officers after turning in his boss for interfering in an investigation.

- [\*\*\*The Fifth Estate\* / Officer Down\*\*](#)

"I would like to see people held accountable. I would like to see many people come forward, and bring their stories forward and be able to tell them, and receive help.

Like Moore, Garry Pooler is celebrating the announcement.

He, too, told his story to *The Fifth Estate*, revealing he filed six human rights complaints against the OPP over his career, all of which were settled in his favour.

"It's about time," Pooler said in an email Monday, referring to the external review. He's a serving member of the OPP, currently on sick leave.





Gary Pooler filed several human rights complaints against the OPP - and all of them were settled in his favour (Jonathan Stainton)

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"I am now emboldened to speak to the solicitor general's panel about anything, with no holds barred."

The investigation by *The Fifth Estate* also revealed the OPP failed to implement a suicide prevention program, despite a recommendation from Ontario's Ombudsman in 2012.

### ***WATCH | Mark Kelley follows up on the investigation into OPP workplace culture***

Following a Fifth Estate investigation, the Ontario government has announced a sweeping review of problems plaguing the Ontario Provincial Police. This comes after a series of suicides of active and retired OPP officers that some say were triggered by a culture of bullying and harassment. 2:01

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Josh deBack was one of three OPP officers who died by suicide in one month last summer.

In an exclusive interview with *The Fifth Estate*, his wife put the blame squarely on the OPP.

"I 100 per cent believe he died because of his work, and because of how he was treated there, and neglected," Loan deBock said.

The OPP wouldn't answer questions about deBock's suicide because it's being reviewed separately by the police force.

According to a news release, the suicides that took place last summer are part of the reason for the review. It will be conducted by a three person independent panel, which will report to the province's solicitor general, with results expected by September.

## 'We will listen'

Current and former OPP members are being encouraged to contact the panel to share their stories.

"People need to have confidence that when they share their stories, when they share what did and didn't happen, that we will act," Ontario's Solicitor General, Sylvia Jones said in an interview.

- [The Fifth Estate | Officer down](#)

"I just want to assure people that if you come forward that we will listen and that we are actively engaged in making it better."

In March, the government appointed Thomas Carrique as commissioner to head the OPP. In a statement, Carrique said he welcomes the news of the probe.

"The OPP will provide our full support to the panel as they conduct their review and make recommendations to improve the working lives of our uniform and civilian members."

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*With files from Sarah Kester*

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**Toronto**

## Ontario government cuts \$46M from provincial police budget



NDP wonders why budget was cut just as province rolls out pilot projects on highway speed limits

The Canadian Press · Posted: May 13, 2019 3:27 PM ET | Last Updated: May 13



The Ontario government is planning to cut about \$46 million this year from the provincial police budget. Its expenditure estimates show the drop will largely come out of 'field and traffic services.' (Kimberly Ivany/CBC)

[comments](#)

Ontario is planning to cut about \$46 million this year from the provincial police budget.

The Progressive Conservative government's expenditure estimates for this year show the funding drop, which largely comes out of "field and traffic services."

Solicitor General Sylvia Jones says she has faith that the leadership of the Ontario Provincial Police will be able manage challenges within the new budget.

- **OPP officers, staff win pay hikes through arbitration**

A spokeswoman for Jones says the funding reduction relates to "streamlining" corporate offices and improving vehicle maintenance so the fleet lasts longer.

Marion Ringuette says no police officers will lose their jobs.

The NDP questions why the OPP budget is being cut just as the government announces a pilot project to raise speed limits to 110 km/h on sections of three 400-series highways.

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April 9, 2019

Mr. Doug Cuthbertson  
Northwoods Gallery and Gifts  
273 Scott Street  
Fort Frances, Ontario  
P9A 3G7  
via email [papadoogie143@gmail.com](mailto:papadoogie143@gmail.com)

Dear Sir:

At their meeting Monday, April 8, 2019, Council referred the letter received April 1, 2019 from D. Cuthbertson, Northwoods Gallery & Gifts re: Scott Street Concerns to the Planning and Development Executive Committee for recommendation with additional input provided by the 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



Dear Mayor Caul and Council Members,

This letter is to express deep concern and the need for action in regards to the recent increase in “street” people loitering in the downtown core particularly the 200 and 300 blocks of Scott street. We, the business owners, are experiencing a decrease in the number of legitimate shoppers coming downtown as they are afraid of being harassed and/or panhandled. We have received many complaints from our customers in regards to having their way blocked and being asked for handouts sometimes to the point of being threatened. We are witnessing entry to our stores being blocked by people smoking and loitering.

We also are experiencing a marked increase in shoplifting in our businesses by these same people, so much so that we have compiled a share list of people that have been caught shoplifting in our stores. This list of known shoplifters is currently at 29 and growing. All of these people have been charged and brought to court and subsequently released with no repercussions. Knowing this, they are free to steal again.

As business owners we are also getting complaints from our staff members as they are being approached as they are leaving work for handouts from individuals who are clearly intoxicated by drugs or alcohol or both particularly those who have to park in the Legion parking lot and have to walk through the back alley. Downtown employees feel watched and afraid when a group of these people, working together as a team, come in to the stores to shoplift. Part of the group distracts while the others do the stealing.

All of the above is directly related to the rampant methamphetamine problem that this town is currently experiencing.

So what is the solution???? Although we don't have the answer, we do have some ideas.

- Perhaps the O.P.P. walking the streets several times a day?
- Perhaps moving the food shelter off of Scott street?
- Perhaps the drug unit could target the growing Methamphetamine problem
- Perhaps the O.P.P. could target the person/business that is buying and selling the stolen merchandise

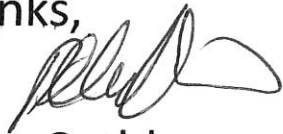


which provides money for drugs and an incentive to go out and steal more things

- Perhaps our by-law officers walking the downtown core regularly – not necessarily to enforce loitering bylaws but to be seen as a uniformed officer presence downtown


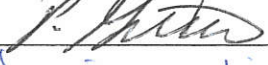








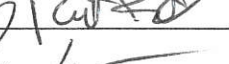
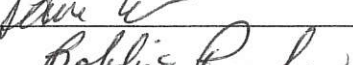
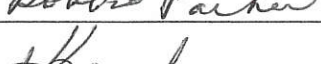
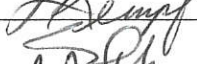

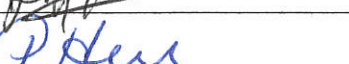


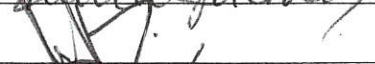
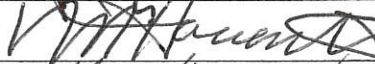
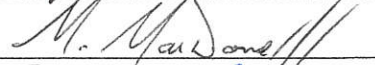

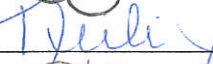




For your consideration

Thanks,

A handwritten signature in black ink, appearing to read 'Doug Cuthbertson', with a stylized, flowing script.

Doug Cuthbertson

Owner Northwoods Gallery and Gifts

Store Name	Signature	Signature Printed
NORTHWOODS		D. CUTHBERTSON
GORTCH'S		PAT GORTSHORE
DIANA'S NEEDLE ART		DIANA NIXON
Sight & Sound		DEREK JACKSON
Betty's of Fort Frances		Blair Anderson
Curvy Chick		Jennifer Horton
CAUSMEAN REAL ESTATE		DAN R. CAUSMEAN
Jack Spitz Apparel		SCOTT KRIENKE-TORREY
INK SPOTZ APPAREL		DARLYSS KRIENKE
FLINT HOUSE		ED GACKLEY
McTAGGARTS		RICHARD BOLEARY
4 Your Pets		Pam Williams
MR. SUB		BOBBIE PARKER
THE UPS Store		Lil Kempf
THE UPS Store		S. Christensen
CAUSEWAY Insurance		John Homer
INTERNATIONAL TRAVEL		PATRICIA HERE
SCANLIFE		Barry Jackson
Sunlife		PAULA JACKSON
TAGGS Source for Sports		Russell Ling
Leon's		M. Howarth
Investment Planning Counsel		M. MacDonell
5300 The Bazaar Shop		Dawn Gray
Warehouse One		Heili Savinac
Warehouse One		Shannon Singleton
Lowery's		Tim Hudson
Shoppers Drug Mart		Tyler Doerksen

