

THE CORPORATION OF THE TOWNSHIP OF PLUMMER ADDITIONAL

BY-LAW 2023-XX

Being a By-Law to prohibit or regulate animals, other than dogs,
within the Township of Plummer Additional

WHEREAS subsection 10(2) (9) of the *Municipal Act*, 2001 permits the Council of a local municipality to enact by-laws regulating animals;

WHEREAS sections 8, 9 and 10 of the *Municipal Act*, 2001, as amended, authorize a municipality to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social, and environmental well-being of the municipality; the protection of persons and property; and animals;

AND WHEREAS subsection 103(1) of the *Municipal Act*, 2001 provides that a municipality may pass a by-law to provide for the seizure and impounding of animals being at large or trespassing;

AND WHEREAS section 425 of 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 *Municipal Act*, 2001 is guilty of an offence;

AND WHEREAS the Council of the Township of Plummer Additional deems it necessary to regulate animals, other than dogs, running at large and for the impounding of the same;

NOW THEREFORE Council for the Corporation of Township of Plummer Additional hereby enacts as follows:

1. SHORT TITLE

1.1 The short title of this By-Law shall be the “Responsible Animal Ownership By-Law”.

2. DEFINITIONS

2.1 “**Abandonment**” means ceasing to care for an animal in circumstances that may cause the animal harm or leaving an animal in the care of another person without that person’s express knowledge and permission.

2.2 “**Animal**” means a creature being possessed by an individual for companionship or economic benefit, which includes, but is not limited to, pets and domestic livestock.

2.3 “**At Large**” means any animal found in any place other than the premises of the owner of the animal, or other private property with the consent of the owner of that property, and not under the immediate physical control of any competent or reasonable person by means of a tether or leash that is no more than two metres in length.

2.4 “**Domestic Livestock**” means an animal kept by an individual for economic purposes or as a food source.

2.5 “**Large Domestic Livestock**” means Domestic Livestock that includes, but is not limited to, cattle, goats, horses, sheep and swine.

2.5 “**Municipal Law Enforcement Officer**” means any individual appointed by the Corporation of the Township of Plummer Additional to enforce the provisions of this By-Law.

- 2.6 **“Municipality”** means any and all lands within the geographic boundary of the Corporation of the Township of Plummer Additional.
- 2.7 **“Owner”** means any person who possesses or harbours an animal/livestock and, where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or is in control of the animal.
- 2.8 **“Pet”** means an animal kept by an individual for the purpose of companionship.
- 2.9 **“Small Domestic Livestock”** means Domestic Livestock that includes, but is not limited to, poultry, fur-bearing animals, bees, cultured fish, deer, elk, game animals or birds grown, produced or raised.

3. **PROVISION OF CARE**

- 3.1. Every person who keeps an animal within the Municipality shall ensure that such animal is provided with:
- a. clean and sanitary environment free from the accumulation of fecal matter;
 - b. adequate and appropriate care, food, water, shelter, and opportunity for physical activity; and
 - c. necessary veterinary medical care when the animal exhibits signs of pain, illness, or suffering.
- 3.2 No person shall cause or allow an animal to be hitched, tied or fastened while unattended by the owner to a fixed object where a choke collar, choke chain, or pinch collar forms part of the securing apparatus, or where a rope or cord is tied directly around the animal’s neck or where the animal could become trapped or injured by an obstruction.
- 3.3 No person shall cause or allow an animal to be confined in an enclosed space, including a motor vehicle, without proper and reasonable care for the animal
- 3.4 No person shall transport or allow the transport of an animal outside the passenger compartment of any motor vehicle or trailer unless the animal is confined or it is secured in a body harness or other manner of fastening which is adequate to prevent the animal from falling off the vehicle or otherwise injuring itself.
- 3.5 In any prosecution or proceeding under section 3.4. the registered owner or operator, as applicable, of the motor vehicle or trailer shall be deemed to be the owner of the animal, unless he or she proves to the satisfaction of the Justice of the Peace at the time of the offence, that the motor vehicle was not being used to transport the animal by him/her and that the motor vehicle was not being used by any other person with consent, express or implied.
- 3.6 No person shall cause or allow the neglect, torment, abuse, or punishment of any animal in any manner to an extent that is cruel or unnecessary.
- 3.7 No person shall cause or allow the abandonment of an animal.

4. **RUNNING AT LARGE / UNDER CONTROL**

- 4.1 That no domestic livestock shall be allowed to run at large in any part of the Township of Plummer Additional.
- 4.2 That the owner of any domestic livestock and/or poultry running at large, contrary to Section 4.1, is liable in damages for all injuries committed by such animals.
- 4.3 The owner or occupant of any land is responsible for any damage caused by any animal under the person’s charge and keeping, as though such animal were the person’s own property. The owner of any animal not permitted to run at large by the by-laws of the

municipality is liable for any damage done by such animal.

5. ADEQUATE FENCING/ANIMAL CONTAINMENT

- 5.1** Any owner or occupant of any land is responsible for constructing, placing, and maintaining fencing or other methods of animal containment that is appropriate for the circumstances and is sufficient to contain any and/or all species of livestock that is located on their property and in the landowner's possession.
- 5.2** Should an owner or occupant of land fail to place or establish fencing or other methods of animal containment on their property that is adequate for animal containment, and results in the unlawful trespassing of their animals onto another landowner's property; the Township's Fence Viewers shall visit the site and determine what remediations are necessary to ensure that animals cannot become at large. Upon review of the existing fencing or animal containment, the Fence Viewers shall make recommendations in writing to the landowner.
- 5.3** Upon the Fence Viewers' review of the site, a letter shall be sent to the property owner/occupant as outlined in section (5.2), which will outline the required remediations to the existing fencing, animal containment practices or general lack thereof. The owner shall have thirty (30) calendar days to fix the deficits outlined by the Fence Viewers. Failure to construct said fencing and/or animal containment in a timely manner will result in a fine outlined in Schedule "A".

6. SEIZURE AND IMPOUNDMENT

- 6.1** The Township shall appoint a Pound Keeper and the Pound Keeper shall impound any animal(s) unlawfully running at large or for trespassing and doing damage. The owner of any animal(s) impounded pursuant to this By-law may obtain the release of said animal(s) upon payment to the Township of the costs incurred for the capturing, impounding and care of the animal(s), as provided in Schedule A, attached hereto and declared to be part of this by-law.
- 6.2** Where an animal(s) is found to be at large, the Pound Keeper and/or Municipal Law Enforcement Officer (hereinafter referred to as the "MLEO") may try to contact the owner to retrieve their animal(s) or may impound any animal found at large.
- 6.3** The Pound Keeper and/or the MLEO shall make reasonable efforts to determine the identity of the Owner of the animal(s) and to inform the Owner and the Clerk that an animal(s) has been impounded, in accordance with the Pounds Act, R.S.O. 1990, c P. 17.
- 6.4** In the event that the Pound Keeper and/or MLEO do not find the Owner, the Clerk, upon receiving a notice from the Pound Keeper, shall post such notice in the Township Office and on the Township website for 7 days during which period such animal(s) can be redeemed. The Pound Keeper shall make reasonable inquiries with any persons who may live in the immediate area in which the animal(s) was found at large to determine the Owner of the animal(s).
- 6.5** Where an animal(s) is sick or injured before or after being seized or impounded, and in the opinion of the Pound Keeper should receive veterinary care without delay for humane reasons or for reasons of safety to persons or animal(s), the Pound Keeper may obtain appropriate care from a certified Veterinarian. The Owner shall pay to the Township all veterinary fees in addition to the costs incurred for the capturing, impounding and care of the animal(s).
- 6.6** If an animal(s) impounded by the Pound Keeper pursuant to this By-law is not claimed within 7 days after impounding, or if the damages, penalties and expenses imposed by this By-law are not paid, within the timelines as outlined in the Pounds Act, the Pound Keeper may sell the animal(s) and the proceeds of such sale shall be applied to:

- 6.7 Any expenses incurred by the Pound Keeper in selling the animal(s);
- Any expenses incurred as per Schedule A to this By-law for services rendered to the impounded animal(s);
 - Any damages payable in accordance with the damage appraisal prepared by the Municipal Law Enforcement Officer (MLEO); and
 - To the Township.

6.8 No person shall unlock, unlatch, or otherwise open a vehicle or cage in which animals seized by an Officer have been or are being placed.

7. STOOP AND SCOOP

7.1 Any person having control of an animal except horses being actively used in transportation shall immediately remove any feces left by the animal on any property, other than the owner's property including, but not limited to:

- on a highway;
- in a public park;
- on any public property; or
- on municipal streets and roads.

7.2 Any person having control of an animal, shall have in his/her possession the necessary equipment to proceed immediately with the removal of any feces.

7.3 Every owner of an animal shall remove from his or her property, in a timely manner, feces left by an animal, so as not to disturb the enjoyment, comfort, and convenience of any person in the vicinity of the property.

7.4 Section 8 does not apply to an owner of a service dog, where the owner is unable to remove animal waste due to a physical impediment, or a blind or visually impaired pet owner.

7.5 Every owner of a horse shall remove, within twenty-four (24) hours, any feces left by the horse on any roadway within fifty (50) meters of town limits or in any public park.

8. ENFORCEMENT

8.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction shall be liable to a fine prescribed and recoverable under the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, for each offence committed.

8.2 The Township may make a request to the Treasurer to add any part of the expenses incurred in "Schedule B" in accordance with this By-law that is in default to the tax roll for any property in the Township for which the Owner of the animal(s) is responsible for paying and collect it in the same manner as municipal taxes.

8.4 No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, any Officer or employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.

8.5 Any provincial offences officer or employee of the Corporation of the Township of Plummer Additional whose duties include the enforcement of this by-law is authorized to enforce this by-law pursuant to the provisions hereof, the *Municipal Act*, 2001, S.O. 2201, c.25, as amended or any successor thereof, and of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, or any successor thereof.

8.6 Before the Officer and other appointed officials take any action as a result of a complaint,

the complainant shall give the to the investigative officer involved, a written statement describing the incident, stating his or her name, address, telephone number and the date and time of incident.

8.7 Upon registering a conviction for a contravention of any provision of this By-Law, the Provincial Offences Court may, in addition to any other remedy and to any penalty imposed by this By-Law, make an order prohibiting the continuation or repetition of the offence by the persons convicted.

8.8 The penalty provided for violation of any of the provisions of this By-law shall be separate from and in addition to the requirements for payment of expenses of confining the animal imposed by the Officer.

9. SEVERABILITY

9.1 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under by-law.

10. SCHEDULES

10.1 Schedules “A” and “B” shall be deemed to form part of this by-law.

11. AUTHORITY

11.1 This By-Law shall come into full force and take effect on the day it is passed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XXTH DAY OF XX, 2023.

THE CORPORATION OF THE TOWNSHIP
OF PLUMMER ADDITIONAL

Beth West Mayor

Lars Moffatt
Clerk-Treasurer

By-Law Number 2023-XX
Schedule "A"

TOWNSHIP OF PLUMMER ADDITIONAL

PART 1 – PROVINCIAL OFFENCE ACT FINES

ITEM	Column 1 SHORT FORM WORDING	Column 2 PROVISION CREATING OR DEFINING THE OFFENCE	Column3 SET FINES
1	Fail to provide a clean and sanitary environment for an animal	Section 3.1 (a)	\$200.00
2	Fail to provide appropriate care, food, water, shelter or physical activity to an animal	Section 3.1 (b)	\$200.00
3	Fail to provide necessary veterinary care to an animal	Section 3.1 (c)	\$200.00
4	Improperly hitch tie or fasten an animal	Section 3.2	\$200.00
5	Fail to provide an animal with proper ventilation	Section 3.3	\$200.00
6	Improperly transport an animal	Section 3.4	\$200.00
7	Neglect, abuse torment or punish an animal	Section 3.6	\$300.00
8	Cause or allow the abandonment of an animal	Section 3.7	\$300.00
9	Permitting of domestic livestock to run at large or trespass (per animal)	Section 4.1	\$150.00
10	Permitting of large livestock to run at large or trespass (per animal)	Section 4.1	\$500.00
11.	Failure to possess and construct adequate animal containment (fencing)	Section 5.1	\$350.00
12.	Failure to establish adequate animal containment within 30 days of a letter being sent by the Township.	Section 5.3	\$500.00
20	Unlawfully unlock, unlatch, or open a vehicle or cage containing seized animal	Section 7.4	\$300.00
21	Fail to remove feces left by an animal	Section 8.1	\$150.00
22	Fail to possess necessary equipment to remove feces	Section 8.2	\$75.00
23	Fail to remove feces from own property in a timely manner	Section 8.3	\$100.00
24	Fail to remove feces left by a horse	Section 8.5	\$100.00

By-Law Number 2023-XX
Schedule "B"

**Township of Plummer Additional
Impound and Maintenance Fees for Animals Found At Large**

ACTIVITY	FEE
Pound Keeper fee for attending the requested site, capturing the animal(s) and transportation to the appropriate facility for impound of the animal(s).	\$350.00
Where there are a number of animal(s) for transport, each additional trip by the Pound Keeper.	\$250.00
Impound fees per day/per animal – one day or any part thereof	Per Day
Horse (per animal)	\$450.00
Cow, Ox, Bull (per animal)	\$450.00
Goat (per animal)	\$300.00
Sheep (per animal)	\$300.00
Swine, pig (per animal)	\$200.00
Geese or Poultry (per bird)	\$100.00
Veterinary Care if required	As billed by veterinarian
Damages made to property by animals while at large – to be prepared by the Municipal Law Enforcement Officer using current material supplies and labour rates as applicable from required repair services. Quotes may be obtained to substantiate the damage order.	As required