

**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. RUNNING AT LARGE / UNDER CONTROL

- 3.1** That no domestic livestock shall be allowed to run at large in any part of the Township of Plummer Additional.
- 3.2** That the owner of any domestic livestock and/or poultry running at large, contrary to Section 3.1, is liable in damages for all injuries committed by such animals.
- 3.3** 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.
- 3.4** Any animal feces/waste that is left on public/private property by domestic livestock and/or poultry while running at large shall be considered damages caused by an animal.

4. ADEQUATE FENCING/ANIMAL CONTAINMENT

- 4.1** 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 shall be sufficient to contain any and/or all species of livestock that is located on their property and/or in the landowner’s possession. Such fencing/animal containment shall also be sufficient to reasonably prevent the livestock from being or becoming at large.
- 4.2** 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.
- 4.3** Upon the Fence Viewers’ review of the site, a letter shall be sent to the property owner/occupant as outlined in section (4.2), 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”.

5. ANIMALS AT LARGE

- 5.1** Where an animal(s) is found to be at large, the Municipal By-law Law Enforcement Officer (hereinafter referred to as the “MLEO”) shall attempt to contact the owner or nearby owners to retrieve their animal(s). Owners are responsible for retrieving their animals when they are found at large and transporting them back to their property.
- 5.2** If after six (6) hours of trying to contact the owners of the animal(s), the Township can

establish how an animal at large will either be transported back to the owners or the location and facility for which it will be impounded at. All costs associated with such will be billed back to the owners of the animal(s).

6. ENFORCEMENT

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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.

7. SEVERABILITY

- 7.1 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.

8. SCHEDULES

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

9. AUTHORITY

- 9.1 **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

Mayor: Beth West

Clerk: Lars Moffatt

DRAFT

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.	Permitting of domestic livestock to run at large or trespass (per animal)	Section 3.1	\$400.00
2.	Permitting of large livestock to run at large or trespass (per animal)	Section 3.1	\$500.00
3.	Failure to possess and construct adequate animal containment (fencing)	Sections 4.1, 4.2	\$400.00
4.	Failure to establish adequate animal containment within 30 days of a letter being sent by the Township.	Section 4.3	\$500.00
5	Unlawfully unlock, unlatch, or open a vehicle or cage containing seized animal	Section 6.4	\$500.00

**Township of Plummer Additional
Fees for Animals Found At Large**

ACTIVITY	FEE
Damages made to private property by animals while at large – to be prepared by the Municipal By-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
Impound fees per animal	As incurred by the Township
Transportation of an animal at large back to property of the owner(s)	As incurred by the Township