

CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

By-Law No. 09-08-394

Being a by-law for prohibiting or regulating the running at large of animals other than dogs and cats, in accordance with Section 11(2) and Section 103(1) of the Municipal Act 2001, c. 25

WHEREAS the Council of The Corporation of the Township of Whitewater Region deems it advisable that all animals, except dogs and cats, including fowl be prohibited from running at large within the Township of Whitewater Region.

AND WHEREAS Section 103(1) of the Act provides that a by-law may be passed by the Council of a municipality to prohibit or regulate within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs and cats, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

AND WHEREAS Section 103(1) of the Act provides that by-laws may be passed by the Council of a municipality for appraising the damages paid by the owners of animals impounded for trespassing, contrary to the law or the by-laws of the municipality.

AND WHEREAS Section 103(1) of the Act provides that by-laws may be passed by the Council of a municipality for determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded or restrained and detained in the possession of the restrainers.

NOW THEREFORE, The Council of The Corporation of the Township of Whitewater Region enacts as follows:

PART 1. Short Title

1.1 This by-law may be cited as the "Animals Running at Large By-Law".

PART 2. Definitions

2.1 "**Animal**" means any domestic animal, livestock or bird and without limiting the generality of the foregoing, includes a chicken, turkey, goose, duck or other poultry or domestic fowl, pig, goat, sheep, donkey, horse, pony horse, ox, cow, bull, or any other animal raised for commercial or agricultural purposes, and any animal kept as a working animal, a pet, or for hobby purposes such as breeding, showing or sporting but shall not include dogs or cats.

2.2 "**Animal Pound**" shall mean such premises and facilities designated by The Corporation as the Township Pound.

2.3 "**Corporation, The**" means The Corporation of the Township of Whitewater Region.

2.4 "**Highway**" means a common and public highway, street, avenue, parkway, driveway, square place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles, and includes the total width of the road allowance.

2.5 "**Impound**" shall mean confiscate, take legal possession of and restrain in pound.

2.6 "**Officer**" shall mean the Municipal By-Law Enforcement Officer as appointed by Council.

2.7 "**Owner or Keeper**" means and includes any person who possesses, keeps, feeds or harbors an animal and "owns" and "keep" shall have a corresponding meaning.

2.8 **"Pound Keeper"** means a person(s) employed by, under contract or employed by a contractor appointed by The Corporation, to operate an Animal Pound for The Corporation.

2.9 **"Running at large"** shall mean that an animal shall be deemed to be running at large when found in any other place other than the lands owned or occupied by the person responsible for the charge and keeping of the animal, except with the permission of the owner or occupant of that place.

PART 3. Animals Being At Large

3.1 No keeper of any animal shall allow an animal to be at large or to trespass within the Corporation.

3.2 Any person may take charge of an animal found being at large or trespassing and shall deliver the animal to a Pound Keeper as soon as practical.

3.3 Every Pound Keeper and every person who impounds or confines, or cause to be impounded or confined, an animal in a common pound, or an enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter during the whole time that it continues impounded or confined.

PART 4. Pound Keeper

4.1 The Pound Keeper may impound any animal found being at large or trespassing; or delivered to him/her by a person finding the animal(s) being at large or trespassing.

4.2 The Pound Keeper upon impounding any animal shall forthwith notify the owner of the animal that the animal has been impounded. Where the owner of the animal is not known, the Pound Keeper shall immediately give written notification, containing a description of the animal, to the Clerk-Treasurer.

4.3 The Clerk-Treasurer, upon receiving a notice from the Pound Keeper in accordance with Part 4.2, shall post such notice in a conspicuous place at the municipal office for the total number of days whereby such animal can be redeemed in accordance with the by-law. The Pound Keeper shall make reasonable inquiries with any persons who may live in the immediate area in which the animal was found at large to determine the owner of the animal.

4.4 The Officer shall, at the request of any person, examine anything, matter or circumstance relating to the trespassing of an impounded animal and shall prepare a damage appraisal setting out the particulars of damages, if any. These are to be paid by the owner of the animal as a result of such trespassing or being at large.

4.5 The Pound Keeper shall restore possession of an animal to a person claiming it, only where;

a) The person claims possession of the animal within five (5) days, exclusive of Sundays and statutory holidays, after the day of impounding;

b) The person is the most recent owner/keeper of the animal prior to its impounding;

c) The person pays to the Pound Keeper or provides to the Pound Keeper proof of payment of:

(i) any damages payable as a result of the trespassing of the animal in accordance with the damage,

(ii) appraisal prepared by the Officer,

(iii) any fine payable in accordance with the provisions of this by-law; and

(iv) any expenses incurred by The Corporation for the making of a damage appraisal and to the Pound Keeper for services rendered to the impounded animal.

4.6 The Pound Keeper, on the sixth (6) day, exclusive of Sundays and statutory holidays, after the day of impounding and possession of an animal, has not been restored to the owner of the animal, the Pound Keeper shall sell the animal and the proceeds of such sale shall be applied:

- (i) Firstly, to any expenses incurred by the Pound Keeper in selling the animal;
- (ii) Secondly, to any expenses incurred by the Pound Keeper for services rendered to the impounded animal;
- (iii) Thirdly, to any damages payable in accordance with the damage appraisal prepared by the Officer;
- (iv) Fourthly, to the Corporation.

PART 5. Penalties

5.1 Every person who contravenes any provisions of this by-law is guilty of an offence under this by-law and upon conviction is liable to a maximum fine as established by the Provincial Offences Act.

PART 6. Conflicts

6.1 Wherever a standard established by the by-law differs from a standard in relation to the same matter established by any other item of legislation in force in The Corporation, the higher standard shall prevail.

PART 7. Severability

7.1 If any part of this by-law shall be held void such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

PART 8. Repeal

8.1 This by-law shall supersede any other by-law of the municipality and come into full force and effect immediately upon the passing thereof

PART 9. Effective Date

9.1 This By-law shall come into effect from the date of it's passing by Council.

This By-law given its FIRST and SECOND reading this 12th day of August, 2009.

This By-law read a THIRD time and finally passed this 12th day of August, 2009.



MAYOR



CAO/Clerk