

CORPORATION OF THE TOWNSHIP OF LAIRD

By-law Number 921-12

Being a By-law prohibiting animals from running at large within the boundaries of the Township of Laird.

WHEREAS the Municipal Act S.O. 2001, c. 25, Sec. 103 (1) authorizes the Township to pass a by-law to provide for the seizure and impounding of animals running at large within the boundaries of the Township and to allow for the sale or disposal of impounded animals under certain conditions; and

FURTHER WHEREAS the Municipal Act S.O. 2001, c. 25, Sec. 10 .2 (9) also permits ... "*A single tier municipality may pass by-laws respecting the following matters*" *Animals*.

NOW THEREFORE the Council of the Corporation of the Township of Laird ENACTS AS FOLLOWS:

1. DEFINITIONS:

For the purpose of this by-law:

- A. *'Animal Control Officer'* shall mean a person appointed by Council or in the absence of an appointment, the Clerk, shall be responsible for enforcement of this by-law and any servant or agent employed for such purpose.
- B. *'Animals Running at Large'* shall be considered to be running at large when found on a highway/roadway or any other public place, or on any premise other than the premises upon which they are habitually kept, if not under the control of any person unless accompanied by an attendant who shall exercise control over the animal (s) at all times.
- C. *'Animal or Animals'* shall have the same meaning and shall include various domestic animals and/or domesticated animals; that may be kept as a pet or hobby or farmed such as horses, cattle, pigs, sheep, buffalo/bison, goats, fox, lama, deer... etc
- D. *'Negligent'* care is the failure to exercise ordinary care.
- E. *'Reckless'* care is acting with indifference to consequences and with disregard to a known risk (i.e. health, safety and welfare of animals or public or property)
- F. *'Pound'* shall mean any place designated by the Animal Control Officer, within the boundaries of the municipality or any facility where there exists an agreement for services such as a Humane Society for the confinement of an animal found to be at large.
- G. *'Pound Keeper'* shall mean the Animal Control Officer or his servant or agent appointed to care for animals that have been impounded.
- H. *'Running at Large'* shall mean when an animal is found in a place other than the property of the owner of the animal and not under the owner's control.

2. ANIMALS are prohibited from running at large:

- A. An animal shall not run at large in this municipality.
- B. The owner of an animal shall not permit or enable his/her animals to run at large.
- C. The Animal Control Officer shall have the authority to choose to not proceed under this by-law for any animals found to be at large, if in the opinion of the Animal Control Officer the animals are typically well cared for and are only at large because of a day to day farming incident that is not likely to be repeated; or if the animals are at large because of a natural disaster or accident rather than because of the owners action or inaction.
- D. The Animal Control Officer shall proceed with action against the persons responsible for animals when the care of animals is considered to be negligent or reckless.
- E. This by-law does not refer in any way to dogs; dog control is designated in a separate by-law of this Municipality.

DOG OWNERS' LIABILITY

Where it is alleged that a dog has bitten or attacked a person or domestic animal such dog may be impounded on the order of Chief of Police and held by the Poundkeeper until the proceedings provided in the Dog Owner's Liability Act, RSO., 1990 c. D.16 have been followed provided that no dog shall be so impounded for a period of in excess of twenty-one days unless otherwise ordered by an Ontario Court (Criminal Division) or Provincial Offences Court.

3. SEIZURE and taking into custody or possession animals running at large:

- A. A person may seize and using reasonable care confine any animal that is found running at large on public lands or trespassing upon the premises owned or occupied by that person.
- B. A person who takes an animal into custody or possession pursuant to this by-law shall immediately notify the Animal Control Officer or the Municipal Office of his/her actions. The Animal Control Officer shall promptly assume custody, possession or control of, and impound the animals.
- C. The Animal Control Officer or servant or agent may enter upon any lands within the Municipality for the purpose of capturing any animals that are running at large.

4. POUND:

- A. The 'pound' may be established as convenient and practical by the Municipality or designated with consent of the owner of the property on the premises of the property where the animals have been found to be at large.
- B. When an animal is deemed to have been impounded, this by-law shall be applied in conjunction with the Pound Act R.S.O. 1990, ch P.17, in the event of a conflict between this by-law and the 'Pound Act', this by-law shall take precedence.
- C. The Animal Control Officer will be deemed to also be the Pound Keeper and may have a servant or agent assist in those duties.
- D. It is the duty of the Pound Keeper or his servant or agent appointed to:
 - I. keep a record of all animals impounded and how they are eventually disposed of;
 - II. make a detailed report to the Clerk and Council of the number of animals impounded;
 - III. immediately upon impounding the animals the Animal Control Officer/Pound Keeper shall assess the animal and arrange for veterinary care for any animal in need;
 - IV. arrange for farrier service for any animal in need
 - V. have any animal that is deemed to be suffering or severely injured killed in a humane way and will provide notice to the owner if known of the actions taken;
 - VI. release to the owner of the animal killed, the carcass for the purpose of burying it;
 - VII. keep a record of the care of all animals impounded, all costs accruing from the care of the animals
 - VIII. record all administrative costs accruing with the impounding of all animals and all daily fees;
 - IX. at the termination of the impounding of the animals provide a complete detailed report to Council of all activities, dates, times, costs, actions taken and final out comes.

5. SALE or DISPOSITION of ANIMALS:

- A. The Animal Control Officer shall make a conscientious and documented effort to contact the owners of the animals immediately upon taking possession and care of them.
- B. The Animal Control Officer may, after eight (8) days dispose of any and all animals that have been impounded for being at large if they have not been claimed and all costs and damages associated have not been paid.
- C. It shall be at the discretion of the Clerk and/or the Treasurer of the Municipality if terms for payment will be acceptable and what those terms may be.
- D. If, this is a repeat offence and deemed by the Animal Control Officer to be an example of reckless care there will be no terms for payment.
- E. All costs including damages to property may be collected in the same manner as taxes. If the animals have not been claimed and all costs associated paid in full or terms for payment made, the Animal Control Officer shall choose the means to dispose of any and all animals in one of the following, by;
 - I. selling to the highest bidder at a time and place advertised in a paper of local distribution and/or on the Municipal Website
 - II. or, if it has been deemed by the Animal Control Officer that the animal (s) are of insufficient value (old, poor condition, lame, injured, unthrifty, poor quality,

too few in numbers ...) to warrant a public auction, such animals may be sold for slaughter and shipped to an appropriate facility

III. or, given away to a home that has offered to accept and care for them

IV. or, adopted out with the cost of adoption being prorated against the cost incurred to date at the time of the adoption.

F. When an Animal Control Officer sells, destroys or otherwise disposes of in a humane manner an animal pursuant to the provisions of this by-law, no damages or compensation shall be recoverable from the Municipality.

A person who contravenes any of the provisions of this By-law is guilty of an offence and is liable to a penalty in accordance with the provisions of the Provincial Offences Act as amended.

READ AND PASSED THIS 9th day of May, 2012.

Head of Council

Seal

Clerk – Treasurer

***The Corporation of The Township of Laird
By-Law 921-2012***

Schedule 'A'

Fees associated with this By-Law:

Administration Fee: \$250.00 / one time / per incident

Pound Fee: \$25.00 / per animal / per day or portion of a day

Animal Control Officer/By-law Enforcement Officer:: Rate of pay / per hour or part thereof

Pound Keeper: \$25.00 / per hour or part thereof while attempting to impound animal

Assistant to the Animal Control Officer: \$20.00 / per hour or part thereof while attempting to impound animal

Assistant to the Pound Keeper: \$20.00 / per hour or part thereof while attempting to impound animal

Veterinary Care: invoiced at Veterinary rates

Assisting Veterinary: \$25.00 / per hour or part thereof

Farrier Service: invoiced at Farrier rates

Assisting Farrier: \$25.00 / per hour or part thereof

Miscellaneous Third Party Costs: (hauling of livestock, back hoe, supplies/feed ...etc)
invoiced at the rate charged by third party for services

Assisting with miscellaneous third party: \$25.00 / per hour or part thereof