The Corporation of the Town of South Bruce Peninsula

By-Law Number 92-2013

Being a By-Law to Regulate and Govern the Care of Animals or Prohibit the Being at Large or Trespassing of Animals

Whereas Section 11(3) of the Municipal Act gives the Municipal Council the power to pass a by-law to regarding animals;

And whereas Section 103 of the Municipal Act allows for the Municipality to pass a by-law to control the running at large of animals, their seizure, impounding, the sale when not reclaimed, and the voluntary payment of the penalties out of court;

And whereas Section 391 of the Municipal Act enables a Municipality to pass by-laws imposing fees or charges for services provided or done by or on behalf of it.

Now therefore the Corporation of The Town of South Bruce Peninsula enacts as follows:

Section 1-Definitions:

1. "Animal" means any member of the animal kingdom other than a human and excludes dogs and cats.

2. "Animal Control Officer" means an Animal Control Officer and or their designate, Provincial Offences Officer and or any person or Company who have entered into a contract with the Municipality to control animals at large.

3. "Livestock" means farm animals, with the exception of poultry, the category encompasses but is not limited to cattle, sheep, pigs, goat, horses, donkey and mules; other animals(e.g buffalo, oxen) may also be considered.

4. "Town" means The Corporation of the Town of South Bruce Peninsula.

5. "Owner" means person caring for said animal.

6. "Running at Large" means any animal off lands where normally kept and not under the control of any person or persons.

7. "Veterinarian" means a person registered as a Veterinarian under the Veterinarian Act R.S.O 1990 chapter V.3 as amended from time to time.
Section 2-General Provisions

1. No person shall allow any animal(s) to run at large in the Town of South Bruce Peninsula.

2. The owner of any animal(s) found running at large will be given one (1) written notice in any 12 month period to fix any fence or gate where animals are being kept or pastured, in order to keep said animal from straying off the property where it is normally kept.

3. The Animal Control Officer, By-Law Enforcement Officer or Police Officer may enter onto any public property, or private land without the consent of the owner or tenant where is it determined that there is an eminent danger, for the purposes of capturing any animal at large.

4. Investigations will be conducted in accordance with the provisions of the OSPCA Act.

5. An Animal Control Officer, By-Law Enforcement Officer or Police Officer may seize any animal that is being neglected, is sick or has suffered serious injury, or presents a threat to the safety of persons or animals.

6. The animal that has been seized will only be returned to the owner once all costs associated with the investigation and seizure have been paid in full to the Town.

7. An owner shall pay all Veterinarian costs that are assessed against their animal before it is returned to the owner.

8. Failure by the owner to keep an animal on its property will result in one or all of the following:
   (a) Impounding of the animal
   (b) Charges being laid

9. Upon the Town of South Bruce Peninsula impounding the animal for running at large, the owner shall pay all costs involved for the investigation, capture, transportation, maintenance and advertisement, and any other expense deemed to have arisen with regard to said animal and its disposal.

10. Animals impounded shall be sold to the highest bidder. If not reclaimed within 30 days from the time they are impounded, all costs shall be subtracted from sale of animals. The Town Treasurer shall then pay any balance to the owners. If the sale of an animal does not cover the cost,
then the balance shall be assessed against the owner in like manner as taxes or shall be collected by other means as directed by the Treasurer.

11. Tenders for sale of the animals shall appear twice in a daily and weekly newspaper.

12. Impound fees shall be in accordance with the Town Fee's By-Law.

Section 3- Standards of Care

1. The basic standards of care applicable to all animals are set out in this section.

2. It is a requirement that the standard of care be adequate and appropriate or necessary to the specific animal, having regard to its species, breed and other relevant factors.

Section 4- Basic Standards of Care for All Animals

1. Every animal must be provided with adequate and appropriate food and water.

2. Every animal must be provided with adequate and appropriate medical attention.

3. Every animal must be provided with the care necessary for its general welfare.

4. Every animal must be transported in a manner that ensures its physical safety and general welfare.

5. Every animal must be provided with an adequate and appropriate resting and sleeping area.

6. Every animal must be provided with adequate and appropriate,
   (a) space to enable the animal to move naturally and to exercise
   (b) sanitary conditions
   (c) ventilation
   (d) light,
   (e) protection from the elements, including harmful temperatures

7. No person shall cause, permit or allow an animal to be confined in a vehicle or other confined space without appropriate ventilation or left in a vehicle or other confined space if the weather conditions are not suitable for containment of an animal.

8. If an animal is confined to a pen or other enclosed structure or area,
(a) the pen or other enclosed structure or area, and any structures or material in it must be in a state of good repair;

(b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it must be made of and contain only materials that are,

(i) safe and non-toxic for the animal, and

(ii) of a texture and design that will not bruise, cut or otherwise injure the animal; and

(c) the pen or other enclosed structure or area must not contain one or more other animals that may pose a danger to the animal.

9. Every animal that is to be killed must be killed by a method that is humane and minimizes the pain and distress to the animal; an animal's pain and distress are deemed to be minimized if it is killed by a method that produces rapid, irreversible unconsciousness and prompt subsequent death.

Section 5- Penalties

1. Every person(s) who violates a provision of this by-law is guilty of an offence and upon conviction is liable to the penalty as provided in Section 61 of the Provincial Offences Act R.S.O. 1990. Chapter 33 as amended from time to time.

2. No person shall obstruct or interfere with an Animal Control Officer in the lawful execution of their duty enforcing the provisions of this by-law.

3. If for any reason any section, clause or provisions of this by-law is deemed by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the part which was declared to be invalid.

This by-law shall supersede and rescind any by-law inconsistent with this by-law.

Read a first and second time this 20th day of August, 2013

Mayor

Clerk
Read a third time and finally passed this 20th day of August, 2013.

[Signatures]

Mayor

Clerk
The Corporation of the Town of South Bruce Peninsula
By-Law Number 92-2013
Animals at Large By-Law
Part I Provincial Offences Act

Set Fine Schedule

<table>
<thead>
<tr>
<th>Item</th>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Short Form Wording</td>
<td>Provisions creating or defining offence</td>
<td>Set Fine</td>
</tr>
<tr>
<td>1</td>
<td>Allow animals to run at large</td>
<td>Section 1</td>
<td>$250.00</td>
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<tr>
<td>2</td>
<td>Cause, permit or allow an animal to be confined in a vehicle</td>
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Note: The penalty provisions for the offences indicated above is/are Section 5 of By-Law Number 92-2013, a certified copy of which has been filed.
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By-Law Number 92-2013  
Animals at Large By-Law  
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