

**THE CORPORATION OF THE TOWNSHIP OF CHISHOLM**

**BY-LAW NO. 2007-07**

**BEING A BY-LAW TO PROHIBIT THE RUNNING AT LARGE OF ANIMALS OTHER THAN DOGS WITHIN THE MUNICIPALITY AND TO PROVIDE FOR THEIR IMPOUNDING, CARE AND DISPOSITION**

**WHEREAS** sections 9 to 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, confer the power to pass by-laws regulating or prohibiting animals to a municipality;

**AND WHEREAS** section 103 of the Municipal Act confers the power upon a municipality to pass a by-law for the seizure and impounding of animals being at large or trespassing upon public and private property within the municipality and the sale of impounded animals under certain conditions;

**AND WHEREAS** section 391 of the Municipal Act enables a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Council is desirous to protect the public from possible traffic accidents, injury or loss of life;

**AND WHEREAS** Council is desirous to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

- a) "At large" shall mean, when used with reference to an animal other than a dog, being elsewhere than on the premises of a person owning or having the custody, care or control of any animal, and not being under the immediate charge and control of a person;
- b) "Impounded" shall mean seized, delivered, received or taken into the Pound, or in the custody of the Poundkeeper.
- c) "Livestock" also referred to as "animal" shall mean cattle, fur-bearing animals, goats, horses, rabbits, sheep or swine.
- d) "Poundkeeper" shall mean the person appointed by Council to carry out the provisions of this by-law.

**2. GENERAL REGULATIONS**

2.1 This by-law applies to the entire geographic area of the Township of Chisholm in the District of Nipissing.

2.2 No person shall permit any animal, not being a dog, which is owned by him or under his care and control to be at large or to trespass upon any municipal road allowance or the private property of any other person.

2.3 For the purposes of this by-law an animal shall be deemed to be trespassing or at large unless either:

- (a) the animal is upon the property of its owner; or
- (b) the animal is on the property of a person other than its owner and the owner of that property has given permission for it to be there; or
- (c) the animal is moving from one private property to another on a road or road allowance under the direct supervision of its owner or his agent, present at the time.

- 2.4 Any animal, not being a dog, found at large or trespassing upon a public road or road allowance or upon private property may be taken into custody by the owner of the property on which it is found, such owner's agent, or the municipal Poundkeeper. If any person other than the municipal Poundkeeper takes an animal into custody, it shall be delivered as soon as practicable into the custody of the municipal Poundkeeper.
- 2.5 As soon as practicable after an animal comes into the custody of the municipal Poundkeeper, notice shall be given in writing to any person known or believed to be its owner and to the municipal Clerk who shall post notice of such impoundment in accordance with the provisions of the Pounds Act. The owner of any animal impounded under this by-law is entitled to its return at any time upon providing satisfactory proof of ownership and either:
- (a) payment of any pound fees, costs and damages owing under this by-law or the Pounds Act calculated in the manner set out in Schedule A attached to and forming part of this by-law.
- 2.6 The Township of Chisholm shall appoint a Poundkeeper to carry out the provisions of this by-law.
- 2.7 It shall be the duty of the Poundkeeper, for whatever animals are impounded, to furnish daily the same with food, water, and shelter during the whole time that same continue to be impounded and for so doing, shall be entitled to receive from the township, the following allowance:
- For stallions, horses, donkeys, bulls, cows, heifers, goats, ram, sheep, swine, and mules - \$20.00 per day or part day.
- 2.8 The municipal Poundkeeper shall designate the location of the municipal pound or pounds where animals taken into custody under this by-law shall be impounded and shall provide the municipal Clerk with written notice of the location or location of such pound(s). The Poundkeeper may designate to different pound locations for different animals and may change such locations from time to time provided written notice of such change is delivered forthwith to the municipal Clerk.
- 2.9 Any Poundkeeper who impounds or confines any of the animals hereinbefore mentioned under this by-law and neglects or refuses to find, provide and supply the same with good and sufficient food, water, and shelter, as hereinbefore provided, shall be subject to the penalties imposed by this by-law, and to immediate dismissal.
- 2.10 If an animal impounded under this by-law is not redeemed by its owner pursuant to paragraph 6 of this by-law, it shall be sold pursuant to the provisions of the Pounds Act R.S.O. 1990 Chapter P. 17, as amended, to recover any amount owing for pound fees, costs and damages.
- 2.11 Schedule A attached to and forming part of this by-law sets out the amounts which shall be charged to an owner upon redemption of an animal or recovered by the municipality from its sale for pound fees, costs and damages. Any surplus sum recovered upon the sale of an animal shall be paid into the general fund of the municipality, and shall then be paid out to the owner of the animal upon proof of ownership being established.
- 2.12 If a court of competent jurisdiction should declare any section or part of any section of this by-law to be invalid, such section or part of a section shall not be constructed as having persuaded or influenced council to pass the remainder of the by-law and it is hereby declared the remainder of the by-law shall be valid and shall remain in force.
- 2.13 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the Provincial Offences Act, R.S.O. 1990, c.P-33, as amended. Every such penalty shall be in addition to any pound fees, costs and damages referred to in Schedule A to this by-law and shall be recoverable under the provisions of the Municipal Act and the Provincial Offences Act.

- 2.14 Except as expressly varied herein, the provisions of the Pounds Act, R.S.O. 1990, CHAPTER P.17 and regulations made thereunder, as amended, shall continue to apply within the Township of Chisholm.
- 2.15 For Canine please refer to By-law 2006-10.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 12th DAY OF JUNE, 2007.**

---

Mayor, Barbara J. Groves

---

Clerk-Treasurer, Linda M. Ringler

**THE CORPORATION OF THE TOWNSHIP OF CHISHOLM**

**SCHEDULE "A" TO BY-LAW 2007-07**

**POUND FEES, COSTS AND DAMAGES RECOVERABLE UPON THE RELEASE OR SALE OF AN IMPOUNDED ANIMAL IN THE ORDER IN WHICH THEY SHALL BE PAID**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
<b>2</b>	<b>Minimum impounding fee per animal (includes first day of Impoundment and costs of feed)</b>	<b>\$100.00</b>
<b>2</b>	<b>Pound fee per day per animal on the 2<sup>nd</sup> and Subsequent days including feed</b>	<b>\$ 30.00</b>
<b>3</b>	<b>The actual reasonable cost as shown by invoice of transporting an impounded animal to the pound (and from one place of impoundment to another if this is necessary)</b>	
<b>4</b>	<b>The actual reasonable cost as proved by invoice of any veterinary care or service which the Pound-keeper deems required for the impounded animal</b>	
<b>5</b>	<b>All damages claimed by the person on whose property the impounded animal was found pursuant to Section 16 and other provisions of the Pounds Act</b>	
<b>6</b>	<b>All damages claimed by the municipality for damages to roadways in the event that the impounded animal was found on a municipal roadway.</b>	

---

**Mayor, Barbara J. Groves**

---

**Clerk-Treasurer, Linda M. Ringler**