

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. 008-2018

AS AMENDED BY BY-LAW NO. 040-2019

Being a By-law to prohibit and regulate animals being at large.

WHEREAS pursuant to Section 11 of the Municipal Act, S.O. 2001, c.M.25, municipalities have jurisdiction to pass By-laws with respect to animals;

AND WHEREAS Section 446 of the Act provides that where a municipality has authority under the Act or under a By-law to direct or require a person to do a thing or matter, the municipality may also provide that, in default of it being done by the person directed or required to do it, the thing or matter shall be done at the person's expense;

AND WHEREAS pursuant to Section 103 of the Municipal Act, S.O. 2001, c, M.25, municipalities may pass By-laws regulating or prohibiting animals being at large or the trespassing of animals;

AND WHEREAS NOTWITHSTANDING By-law No. 014-2016 being a By-law for the licensing and registration of dogs, for regulating the keeping of dogs and the control of vicious or dangerous dogs;

BE IT ENACTED as a By-law of the Corporation of the Township of Wainfleet as follows:

1. **DEFINITIONS**

- a) **“Animal”** shall mean any animal other than a domestic dog or cat.
- b) **“OWNER”** shall mean the registered or beneficial owner of an animal, and any Person possessing, harbouring, or Keeping an Animal 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 and the word “Owns” has a corresponding meaning.
- c) **“Pound Keeper”** means the person or organization appointed for the purposes of enforcing animal control in the Township.
- d) **“Running at Large”** shall mean being any other place than the owners land or premises.
- e) **“Welland and District Humane Society”** shall mean the Welland and District Humane Society which is the local affiliated society of the OSPCA that provides animal shelters and pounds at 60 Provincial Street, Welland, Ontario, L3B 5W7 and at 1080 Elm Street, Port Colborne, Ontario, L3K 5V4
- f) **“Township”** shall mean the Township of Wainfleet

- g) “**Under the Control**” shall mean the any animal shall be leashed, tethered or harnessed while off of the owner’s property.

2. **Keeping of Animals**

No person shall keep *animals* on any premise in the Township unless the premises are zoned to permit the keeping of *animals* by the Township of Wainfleet Zoning By-law No. 581-78 and No. 034-2014, as amended, and any successor thereto.

3. **Prohibition**

- (a) No owner shall allow, permit or cause any *animal* to *run at large* in the *Township*.
- (b) For the purpose of this By-law, an *animal* shall be deemed to be *running at large* when it is found or observed in any place other than the premises of the *owner* of the *animal* and not *under the control* of the owner.

4. **Impounding**

- (a) Where an animal is found to be *running at large*, the *pound keeper* may try to contact the *owner* to retrieve their *animal*.
- (b) Where any *animal* is *running at large* contrary to this By-law the animal may be impounded by the *Pound Keeper*.
- (c) Any animal seized by the *Pound Keeper* may be placed in a suitable shelter for the type of animal until the *animal* is claimed.

5. **Claiming**

- (a) The *Pound Keeper* shall make reasonable efforts to determine the identity of the *owner* of the *animal* and to inform the *owner* and the municipal clerk that an *animal* has been impounded, in accordance with the Pounds Act, R.S.O. 1990, c P. 17.
- (b) The *owner* of any *animal* impounded pursuant to this By-law may obtain the release of said *animal* upon payment of the costs incurred for the capturing, impounding and care of the *animal*; those fees are determined and collected by *Welland & District Humane Society*.
- (c) Where an animal is injured before or after being seized or impounded, and in the opinion of the *Pound Keeper* should be destroyed without delay for humane reasons or for reasons of safety to persons or animal, the *Pound Keeper*, may destroy the *animal* in a humane manner as soon after being seized or impounded.

- (d) Where an animal is seized or impounded by the *Pound Keeper*, and the services of a Veterinarian are required, the *owner* shall pay to the *Pound Keeper* all fees charges of the Veterinarian services in addition the costs incurred for the capturing, impounding and care of the *animal*; those fees are determined and collected by *Welland & District Humane Society*.
- (e) If any *animals* impounded by the *Pound Keeper* pursuant to this By-law are not claimed within eight (8) days after impounding, or if the damages, penalties and expenses imposed by this By-law or otherwise payable By-law are not paid, the *Pound Keeper* may sell such *animal(s)*.

6. **Sale Procedures**

A sale of animals by the *Pound Keeper* shall be made in accordance with the provisions of the Pounds Act, except that:

- (a) the notices for the sale thereof under Section 10 of the Pounds Act shall be given by the *Pound Keeper* within two (2) days after impounding, and
- (b) a copy of the notice of sale shall be mailed by prepaid ordinary mail to the last known address of the owner, if such *owner* is known to the *Pound Keeper*,

7. **Appointment of Pound Keeper**

The following persons are hereby appointed as Pound Keeper for the purposes of this By-law:

- (a) *Welland and District Humane Society; and*
- (b) *By-law Enforcement Officer appointed by the Township of Wainfleet Council*

8. **Enforcement**

- (a) Where a person fails to comply with the requirements of this By-law, the Township may give the person notice and direction to comply. Further, where a person is directed and fails or neglects to comply with such notice, upon conviction shall be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- (b) A *Pound Keeper* may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
 - i) The provisions of this By-law are being complied with; or
 - ii) A direction or notice under this By-law is being complied with

- (c) No Person shall hinder or obstruct any By-law Enforcement Officer, Pound Keeper, or any Persons lawfully acting in the aid of such Officer or Pound Keeper, in the executions of their duties under this By-law.

9. **Offences and Penalties**

- a) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- b) An Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property in accordance with the AMPS By-law for Non-Parking Offences No. 027- 2019 **(AS AMENDED BY BY-LAW NO. 040-2019)**

10. **Force and Effect of By-law**

- a) That this By-law shall come into force and take effect on the day of the final passing thereof.
- b) That once this By-law is passed, By-law #007-2009 shall be repealed.

BY-LAW READ AND PASSED THIS 6TH DAY OF MARCH, 2018.

April Jeffs, MAYOR

A. Cross, CLERK

SCHEDULE "A" TO BY-LAW NO. 008-2018

Short Form Wording and Administrative Penalties.

Section	Short Form Wording	Penalty
2	Keep Animal on premises not zoned for keeping of Animals	\$150.00
3 (a)	Permit Animal to run at large	\$200.00
8 (a)	Fail to comply with a Notice and Direction	\$500.00
8 (c)	Hinder or obstruct an officer	\$100.00