

The Corporation of the Municipality of Meaford

By-law Number 67 – 2015

Being a by-law to amend By-law 78-2013, a by-law to Control Dogs and Govern the Care of Animals within the Municipality of Meaford, with regard to livestock running at large or trespassing

Whereas, Section 5(3) of the Municipal Act S.O. 2001, c.25, as amended provides that powers of every Council are to be exercised by by-law unless specifically authorized to do otherwise; and

Whereas, Section 103 of the Municipal Act, 2001 authorizes a municipality to seize and impound an animal at large or trespassing, the sale of an impounded animal, and the establishment of a voluntary payment of penalties out of court where it is alleged that the by-law respecting animals being at large or trespassing has been contravened; and

Whereas, Section 2 of the Pounds Act R.S.O. 1990, c. P.17, as amended states that the owner or occupant of any land is responsible for any damage caused by any animal under the person's charge and keeping as though such animal were the person's own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality is liable for any damage done by such an animal; and

Whereas, Section 5(1) of the Pounds Act requires that if not previously replevied, the poundkeeper shall impound any horse, bull, ox, cow, sheep, goat, pig or other cattle, geese or other poultry, distrained for unlawfully running at large or for trespassing and doing damage, delivered to him or her for that purpose by any person resident in the poundkeeper's division who has distrained the same; and

Whereas, the Municipality of Meaford deems it expedient and necessary to amend By-law 73-2013 to provide provisions dealing with the livestock and running at large or trespassing;

The Council of The Corporation of the Municipality of Meaford enacts as follows:

That By-law 78-2013, a by-law to Control Dogs and Govern the Care of Animals within the Municipality of Meaford, is hereby amended to address livestock and other animals running at large or trespassing:

1. Insert the following definitions under Section 1 **DEFINITIONS**:
 - 1.19.1 **"Livestock"** means any domestic fowl (including chickens, geese, ducks, turkeys, guinea fowl, etc.), horse, donkey, mule, bull, ox, cow or other cattle, goat, swine, sheep, llama, mink, fox, emu or ostrich, or the young thereof;
 - 1.22.1 **"Operator of the Livestock Pound"** means any livestock handler appointed as the Poundkeeper under the authority of the Pounds Act R.S.O. 1990, c. P.17, as amended or such other facility designated by the Municipality of Meaford;
2. Delete and replace the title of Section 6 to read **"SEIZING AND IMPOUNDING – DOGS AND ANIMALS IN DISTRESS"**.
3. Delete Section 6.1 and replace with the following:
 - 6.1 A Pound shall be established which complies with the Animals for Research Act R.S.O. 1990, c. A.22, as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Poundkeeper, whose duty shall be to:
 - a) impound any animal deemed to be in distress by the Animal Control Officer and/or Municipal Law Enforcement Officer and all dogs found running at large contrary to this By-law which have not been returned to their owner;
 - b) dispose of the same in accordance with the Animals for Research Act; and
 - c) keep a record and make return as required to the Municipality of all dogs and/or animals impounded and how disposed of, the amount collected for impound fee, and the proceeds for sales.
4. Insert the following new section:
 - 8.01. LIVESTOCK RUNNING AT LARGE OR TRESPASSING**
 - 8.01.1 For the purposes of this by-law, livestock shall be deemed to be running at large if found in any place other than the premises of owner of the livestock and not under the control of any person.

- 8.01.2 The owner is responsible to provide such fencing and other measures to prevent livestock from running at large in any place other than the premises of owner of the livestock and not under the control of any person.
 - 8.01.3 No owner of livestock shall permit any incident where livestock run at large in the Municipality of Meaford.
 - 8.01.4 For the purposes of 8.01.3, an incident involves any livestock group of 12 or fewer running at large in a 24-hour period.
 - 8.01.5 The operator of the livestock pound shall, at the Municipality of Meaford's request, seize and confine any livestock running at large and shall make reasonable efforts to determine the identity of the owner of the livestock and to inform the owner that the livestock has been impounded.
 - 8.01.6 Any livestock in the care of the operator of the livestock pound shall be retained, released and, where appropriate, sold in accordance with the Pounds Act, R.S.O. 1990, c. P.17, as amended.
 - 8.01.7 The owner of any livestock found running at large shall be liable for all damages caused by such livestock and for the expenses, if any incurred by the operator of the livestock pound.
5. In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed, the provisions of this by-law shall prevail.
 6. That this by-law shall come into force and take effect upon being passed by Council.

Read a first, second and third time and finally passed this 27th day of July, 2015.

Barb Clumpus, Mayor

Robert Tremblay, Clerk