

THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH

BY-LAW NUMBER 2018-67

BEING a by-law to provide for animal control within Township of Chatsworth with regard to livestock running at large or trespassing and to repeal by-law 2018-12

WHEREAS, the Township of Chatsworth deems it expedient and necessary to provide provisions dealing with livestock running at large or trespassing;

THEFORE THE COUNCIL OF THE TOWNSHIP OF CHATSWORTH ENACTS AS FOLLOWS:

1. DEFINITIONS

"At Large" means **livestock** found at a place other than the property of the **owner** of **livestock** and not under the control of any **person**.

"Fence" means a barrier forming a boundary to or enclosing an area of land to contain **livestock**;

"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 excluding cats and dogs;

"Officer" means a Police Officer, municipal law enforcement officer or other **person** appointed by by-law to enforce the provisions of this By-law;

"Owner" means the owner or **person** in possession or control of **livestock** and where the owner is a minor, the **person** responsible for the custody of the minor;

"Perimeter Fence" means a fence with gates, where necessary, which is located on the outer boundaries of a property and that encloses the property in its entirety;

"Person" includes a corporation and its heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;

"Township" shall mean the Corporation of the Township of Chatsworth or the land within the geographic limits of the Corporation of the Township of Chatsworth as the context requires;

"Poundkeeper" means an individual appointed by By-law to provide poundkeeping services;

"Trespass or Trespassing" means being on private property without permission of the **owner** of the private property or being **at large** on property owned by the Township.

2. OFFENCES

2.1 No **owner** of any **livestock** shall permit the **livestock** to be **at large**.

2.2 No **owner** of any **livestock** shall permit **livestock** to **trespass**.

2.3 Every **owner** of **livestock** shall, at their own expense, prevent the **livestock** from leaving their property at any time by constructing a **perimeter fence**, or **fence**, or other interior enclosure of sufficient construction

2.4 Every owner of livestock shall at their own expense, keep the said **perimeter fence**, or **fence** or other interior enclosure in good repair.

3. **ENFORCEMENT**

- 3.1 This by-law shall be enforced by the Poundkeeper, an **Officer** or other persons as Council may, by by-law, appoint.

4. **RIGHT OF ENTRY**

- 4.1 A Poundkeeper or **Officer** or other person designated by Council shall be permitted to enter onto land at any time for the purpose of enforcing this by-law and any orders or conditions imposed under the authority of this by-law.
- 4.2 A person exercising a power of entry on behalf of the **Township** under this by-law must, upon request, display or produce proper identification.

5. **REMEDICATION**

- 5.1 Where the **owner** is in default of doing any matter or thing directed or required to be done under this by-law, a Poundkeeper or **Officer** may direct the completion and enforcement of such at the **owner's** expense.
- 5.2 The **Township** may recover the remedial action and enforcement costs incurred under subsection 5.1 by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act.
- 5.3 The **Township** may, prior to recovering costs incurred in subsection 5.1 pursuant to Section 446 of the Municipal Act by adding costs to the Municipal Taxes, invoice the **owner(s)** requesting voluntary payment of said remedial action costs.
- 5.4 The **Township** may place a lien on the property as per Section 446 of the Municipal Act on any remedial action that exceeds \$1,000.00.

6. **IMPOUNDING AND SELLING OF LIVESTOCK**

- 6.1 A Poundkeeper, with respect to **livestock** being **at large** or **trespassing** in contravention of this by-law, may seize and impound the **livestock**. The seized **livestock** shall be impounded at such facilities designated and/or maintained by the **Township**.
- 6.2 If the **owner** of the **livestock** can be identified, the Poundkeeper shall deliver a notice to the **owner** (to the address of the **owner** shown on the last revised assessment roll or to be the last known address) that **livestock** has been impounded.
- 6.3 An **owner** of **livestock** that has been impounded, may claim the **livestock** within 10 days of the impounding, excluding the day of impoundment and including the day the **livestock** is claimed, provided that all costs incurred by the **Township** and the Poundkeeper shall be paid by the **owner** before the **livestock** is released.
- 6.4 If impounded **livestock** is not claimed within the 10 day period stipulated in section 6.3 or if all of the costs incurred by the **Township** and the Poundkeeper have not been paid, the **Township** may sell the impounded **livestock** without advertising or tender. The proceeds of the sale shall be applied first to the costs incurred by the **Township** and the balance, if any, shall be paid to the **owner** of the **livestock**.
- 6.5 Where **livestock** that is impounded is not claimed by the **owner** within the 10 day period specified in Section 6.3 the Poundkeeper may retain the **livestock** for such further time as he/she may consider proper and during that time the Poundkeeper may:
- a) sell the **livestock** for such price as he/she considers proper; or

- b) euthanize the **livestock**; or
 - c) otherwise dispose of the **livestock** as he/she sees fit.
- 6.6 Where **livestock** that is captured or taken into custody, in the opinion of the Poundkeeper, is injured or should be destroyed without delay for humane reasons or for the reasons of safety to persons or animals, the Poundkeeper, **Officer** or other trained person appointed by the Poundkeeper, may euthanize the **livestock** in a humane manner as soon after capture or taking into custody as he/she may determine, and may do so without permitting any person to reclaim the **livestock** or without offering it for sale.
- 6.7 An **Officer** or other persons designated by Council may kill **livestock** in the following circumstances:
 - a) where **livestock** is **trespassing** or **at large** and in his/her opinion, should be destroyed because it is so severely injured that it would be inhumane to capture the **livestock** and remove it to a veterinary hospital; or
 - b) where **livestock** is **trespassing** or **at large** and in his/her opinion, should be destroyed for reasons of safety to the public or other animals.
- 6.8 No compensation, damages, fees or any other sum of money on account of or by reason of the impounding, killing, euthanizing or other disposal of an impounded **livestock** in the course of the administration and enforcement of this by-law shall be recoverable by the **owner** of **livestock**.
- 6.9 No **person** shall forcibly retrieve **livestock** from the Poundkeeper, or enter into the location where **livestock** are impounded to retrieve **livestock** without payment in full of all fees and charges required to be paid under this by-law.

7. **PENALTIES**

- 7.1 Any **person** who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:
 - (a) on a first offence, to a fine not more than \$50,000.00; and
 - (b) on a second and each subsequent offence, to a fine of not more than \$100,000.00.
- 7.2 Any **person** who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 7.3 Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.
- 7.4 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

8. **OBSTRUCTION**

- 8.1 In accordance with the provisions of the Municipal Act S.O. 2001, c. 25, as amended, Section 426(1), no **person** shall hinder, interfere with or otherwise obstruct, either directly or indirectly, a Poundkeeper, **Officer** or employee of the Township and/or agent in the lawful exercise or power or duty under this by-law.

8.2 Any **person** who has been alleged to have contravened any of the provisions of this by-law, who fails to identify himself/herself shall be deemed to have obstructed or hindered the **person** exercising a power or performing a duty under this by-law.

9. **TOWNSHIP NOT LIABLE**

9.1 The Township assumes no liability for property damage, damage to animal, **livestock** or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any **person**, animal, **livestock** or property that is subject of this by-law.

10. **SINGULAR AND PLURAL USE**

10.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

11. **VALIDITY AND SEVERABILITY**

11.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole.

12. **SHORT TITLE**

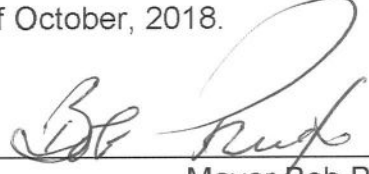
12.1 The short title of this by-law is the Livestock at Large By-law.

13. **EFFECTIVE DATE**

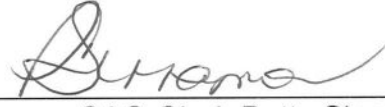
13.1 That this by-law shall come into force and take effect upon being passed by Council.

Read a first and second time this 3rd day of October, 2018.

Read a third time and finally passed this 3rd day of October, 2018.



Mayor Bob Pringle



CAO Clerk Patty Sinnamon