

THE CORPORATION OF THE

TOWN OF PELHAM

BY-LAW NO. 2174 (2000)

**Being a by-law under the Municipal Act to
prohibit animals, other than dogs,
being at large or trespassing.**

WHEREAS Section 210 of the Municipal Act, R.S.O. 1990, c.M.45, as amended, states that by-laws may be passed by the councils of local municipalities for prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways, therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law;

AND WHEREAS the council of the Corporation of the Town of Pelham deems it desirable to enact such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. SHORT TITLE

- (a) This by-law shall be known as the "Animals at Large By-law"

2. DEFINITIONS

For the purpose of this by-law,

- (a) **"Animal"** means an animal listed in Schedule "A" to this by-law;
- (b) **"Owner"** means an owner of land and premises and includes a tenant or occupant of land and premises or any person apparently in possession of land and premises who possesses or harbours an animal;
- (c) **"Poundkeeper"** means the person or organization appointed for the purpose of enforcing and carrying out the provisions of this by-law;
- (d) **"Running at large"** means being found in any place other than the owner's land and premises and not under the physical control of any person;
- (e) **"TOWN"** means The Corporation of the Town of Pelham;

3. ANIMALS AT LARGE

- (a) No person shall permit any animal owned by them or apparently in their possession to run at large in the Town;
- (b) Any animal found running at large may be seized or received by the poundkeeper and impounded at a pound authorized by the Town;
- (c) The owner of an animal that has been seized and impounded pursuant to paragraph (b), shall be entitled to claim the return of the animal upon the payment of the fees set out in Schedule "A" to this by-law and any other fees that are permitted to be levied against the owner pursuant to the Pounds Act, R.S.O. 1990, c.P.17, as amended;

- (d) If the owner of an animal impounded pursuant to this by-law fails to claim the return of the animal after three business days, the poundkeeper shall be at liberty to sell the animal at a public sale in accordance with this by-law;
- (e) Fourteen days prior to the public sale of the animal, the poundkeeper shall advertise in at least one newspaper having general circulation in the Town, a brief description of the animal to be sold as well as the date, time and location of the sale of the animal;
- (f) The owner of the animal shall be entitled to claim the return of the animal up until it is sold, upon payment of all the fees set out in Schedule "A" to this by-law and any costs incurred in the attempting to sell the animal;
- (g) If an owner does not claim the animal in accordance with paragraph (f) above, then the poundkeeper shall sell the animal to the highest bidder at the public sale;
- (h) The following persons shall be distributed the proceeds of the sale for the fees and expenses that they may have incurred and which they are permitted to claim in accordance with this by-law or the Pounds Act, R.S.O. 1990,c.P.17, as amended, in the following priority:
 - (i) the poundkeeper who impounded the animal;
 - (ii) the owner of the animal exclusive of any fees, charges, fines or expenses due in accordance with this by-law; and,
 - (iii) the Treasurer for the Town, if the owner is unknown.


4. **PENALTY**

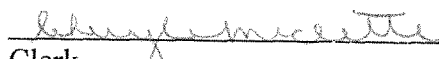
- (a) Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

5. **FORCE AND EFFECT OF BY-LAW**

- (a) This by-law shall come into force, take effect and be passed on the third reading and final passage thereof.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
5th DAY OF JUNE, 2000 A.D.


Mayor


Clerk