

CORPORATION OF THE MUNICIPALITY OF WEST GREY

BYLAW NUMBER 59 - 2013

BEING A BY-LAW RESPECTING THE CARE OF ANIMALS.

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. c.25 (“The Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act; and

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. c.25 provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues; and

WHEREAS Section 11 of the *Municipal Act, R.S.O. 2001, c. 25* provided that a lower-tier municipality may pass By-laws respecting matters within the spheres of jurisdiction set out therein; and

WHEREAS the *Ontario Society for the Prevention of Cruelty to Animals Act* R.S.O., 1990, Chap.0.36, provides special powers to help animals in distress; and

WHEREAS Council of the Corporation of the Municipality of West Grey deems it appropriate to address the standard of care for animals;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 For the purposes of this By-law the following definitions apply:

- (a) “**Animal**” means any member of the animal kingdom, other than a human.
- (b) “**Confined Space**” means a fully or partially enclosed space.
- (c) “**Distress**” means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect
- (d) “**Municipal Law Enforcement Officer**” means a person appointed by the Corporation of the Municipality of West Grey to enforce the by-laws of the Corporation.
- (e) “**OSPCA**” means the Ontario Society for the Prevention of Cruelty to Animals as constituted under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, Chapter O.36, as amended.
- (f) “**Police Officer**” means an officer of the West Grey Police Service.
- (g) “**Veterinarian**” means a person licensed as a veterinarian by the College of Veterinarians of Ontario.

2. **CARE OF ANIMALS**

- 2.1 Any person who keeps an animal within the municipality shall provide the animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the need of the species.
- 2.2 Any person who has tethered an animal shall ensure at all times that the animal has unrestricted movement within the range of the tether and that the animal cannot suffer injury resulting from the tethering.
- 2.3 Any person keeping an animal within the municipality shall do so under sanitary conditions.
- 2.4 For the purposes of Section 2.3 herein, an animal is kept in an unsanitary condition where the keeping of the animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment, comfort or convenience of any person.
- 2.5 No person shall cause, permit or allow an animal to be confined in a vehicle or other confined space without appropriate ventilation or left in a vehicle or other confined space if the weather conditions are not suitable for containment of an animal.
- 2.6 No person shall:
 - (a) tease, torment, annoy, or abuse any animal; or,
 - (b) untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner.
- 2.7 In addition to any other remedy, a Police Officer or Municipal Law Enforcement Officer may give to an animal's owner an Order where the officer has reason to believe that the owner has failed to comply with any part of this section.
- 2.8 Where a Police Officer or Municipal Law Enforcement Officer has reasonable and probable grounds to believe that an animal is in distress or is likely to be in distress, an officer may require the owner to cause the animal to be examined and treated by a Veterinarian at the owner's expense.
- 2.9 An Order shall include the following information:
 - a) particulars of the reasons for which the Order was given; and,
 - b) particulars of the things the owner is required to do to remedy the issue.
- 2.10 An owner to whom or to which an Order is given shall forthwith comply with the Order.
- 2.11 No person shall cause an animal to be in distress.
- 2.12 No owner or custodian of an animal shall permit the animal to be in distress.
- 2.13 No person shall train an animal to fight with another animal or permit an animal that the person owns or has custody or care of to fight another animal.

- 2.14 No person shall own or have possession of equipment or structures that are used in animal fights or in training animals to fight.
- 2.15 No person shall harm or cause harm to a dog, horse or other animal that works with peace officers in the execution of their duties, whether or not the animal is working at the time of the harm.

3. EXCEPTIONS

3.1 Subsection 2.1 to 2.10 does not apply in respect of,

- (a) an activity carried on in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry; or
- (b) a prescribed class of animals or animals living in prescribed circumstances or conditions, or prescribed activities.
- (c) a veterinarian providing veterinary care, or boarding an animal as part of its care, in accordance with the standards of practice established under the Veterinarians Act;
- (d) a person acting under the supervision of a veterinarian described in subsection 3.2 (e); or
- (e) a person acting under the orders of a veterinarian described in subsection 3.2 (e) but only in respect of what the person does or does not do in following those orders.

3.2 Subsection 2.11 to 2.12 does not apply in respect of,

- (a) an activity permitted under the Fish and Wildlife Conservation Act, 1997 in relation to wildlife in the wild;
- (b) An activity permitted under the Fish and Wildlife Conservation Act, 1997 or the Fisheries Act (Canada) in relation to fish;
- (c) an activity carried on in accordance with reasonable and generally accepted practices of agricultural animal care, management or husbandry; or
- (d) a prescribed class of animals or animals living in prescribed circumstances or conditions, or prescribed activities.
- (e) a veterinarian providing veterinary care, or boarding an animal as part of its care, in accordance with the standards of practice established under the Veterinarians Act;
- (f) a person acting under the supervision of a veterinarian described in subsection 3.2 (e); or
- (g) a person acting under the orders of a veterinarian described in subsection 3.2 (e) but only in respect of what the person does or does not do in following those orders.

4. GENERAL PROVISIONS

4.1 Any person who violates any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

4.2 Each day a contravention continues may be deemed to be a separate offence.

5. SEVERABILITY

5.1 If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or party of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

6. ENACTMENT

6.1 This By-law shall come into force and take effect upon being passed by Council.

Read a first and second time this 15th day of July, 2013.

Read a third time and finally passed, this 15th day of July, 2013.

(SIGNED)
Kevin Eccles, Mayor

(SIGNED)
Mark Turner, Clerk/Acting CAO

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY
BYLAW NUMBER 59 – 2013**

**PART 1 PROVINCIAL OFFENSES ACT
SET FINE SCHEDULE**

<u>Item</u>	Short Form Wording	Provision Creating Offence or Defining Offence	Set Fine
1	Failure to provide an animal with adequate and appropriate care	Section 2.1	\$125.00
2	Failure to provide proper tethering of an animal – permitting injury	Section 2.2	\$125.00
3	Permit an animal to be kept under unsanitary conditions	Section 2.3	\$125.00
4	Permit an animal in a vehicle or confined space in unsafe weather conditions	Section 2.5	\$125.00
5	Tease, torment, annoy, or abuse an animal	Section 2.6 (a)	\$125.00
6	Cause an animal to be in distress	Section 2.11	\$125.00
7	Permit animal to be in distress	Section 2.12	\$125.00
8	Train animal to fight	Section 2.13	\$125.00
9	Own/possess equipment used for animal fights	Section 2.14	\$125.00
10	Cause harm to dog, horse or animal that works with peace officers	Section 2.15	\$125.00

Note: The penalty provisions for offences indicated above are contained in Section 4.1 of By-law Number 59-2013 of which a certified copy has been filed.