

**THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX  
BY-LAW NO. 2011/043**

**Being a by-law concerning animal impoundment**

**WHEREAS** sections 9 to 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (hereinafter referred to as "Municipal Act"), confer the power to pass by-laws regulating or prohibiting animals to a lower tier municipality;

**AND WHEREAS** section 103 of the Municipal Act confers the power upon a municipality to pass a by-law to provide for seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

**AND WHEREAS** section 391 of the Municipal Act enables a municipality to pass by-laws imposing fees or charges on any identifiable class of persons for services or activities provided to or done by or on behalf of the persons within such identifiable class;

**NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX ENACTS AS FOLLOWS:**

**DEFINITIONS**

1. In this By-law,

"animal" means any member of the animal kingdom, other than human, as defined in the Municipal Act;

"animal enclosure" means an enclosed place for the keeping of animals, but the yard of a property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the yard itself, shall not be deemed to be an animal enclosure;

"By-law Enforcement Officer" means the person or company, or their employees, under contract with the Municipality to enforce the requirements of this By-law, or an employee of the Municipality of Southwest Middlesex employed to administer and enforce the requirements of this By-law;

"at large" or "trespass" means an animal being at any place other than the premises of the owner of the animal and not under the control of the owner or a person acting on behalf of the owner;

“Council” means the council of The Corporation of the Municipality of Southwest Middlesex;

“impounded” shall mean seized, delivered, received, or taken into the pound or any other suitable location and facility, including any authorized vehicle operated by or under the direction of an officer for purposes of transporting of such animal pursuant to the authority provided by the provisions of this By-law;

“keep” means to have temporary or permanent control or possession of an animal;

“Municipality” means the Municipality of Southwest Middlesex;

“officer” is the By-law Enforcement Officer or poundkeeper designated by the Council, and/or a Police Officer providing police services to the Municipality;

“owner” means a person who keeps, harbours, or has custody of an animal, and, in the case of a minor, “owner” means the person responsible for the custody of the minor; provided that, if there is more than one owner of an animal, they are jointly and severally “owner”;

“person” means an individual, partnership, association, firm, or corporation;

“pound” means those premises permanently or temporarily designated by the Municipality for the detention, maintenance, or disposal of animals that have been impounded by an officer pursuant to the provisions of this By-law and shall include any building or buildings and/or enclosures maintained on behalf of the Municipality by any person or organization as is duly authorized to do so for the purposes of carrying out the provisions of this By-law and shall also include any premises privately owned by another person who has agreed to accept animals on behalf of the Municipality for purposes of temporary impoundment;

“poundkeeper” means the person or organization responsible for maintaining a pound utilized by the Municipality for the purpose of enforcing and carrying out the provisions of this By-law;

## **ADMINISTRATION AND ENFORCEMENT**

2. The By-law Enforcement Officer shall be responsible for the administration of this By-Law and the said By-law Enforcement Officer, and/or Police Officer providing police services to the Municipality shall be responsible for the enforcement of and may enforce this By-law.

## **ANIMALS AT LARGE**

3. No owner shall cause or permit an animal to be at large.

## **SEIZURE AND IMPOUNDMENT**

4. Any animal found to be at large contrary to this By-law may be seized by an officer.
5. Any animal seized under this By-law shall be impounded for a period of five (5) days, exclusive of the day in which the animal was impounded and any intervening statutory holidays and Sundays, unless:
  - a) The animal is redeemed by the owner during this period of impoundment in accordance with the provisions of this By-law;
  - b) In the opinion of the officer, the animal should be euthanized or should receive veterinary care immediately.
  - c) The animal is isolated due to any incidents involving human biting or scratching – animal must be confined for a period of ten (10) days from the date of the incident as set out by the Middlesex-London Health Unit.
6. The owner of an animal impounded pursuant to this By-law may redeem the animal upon payment of the appropriate seizure and impoundment and maintenance fees and associated charges for the time of the impoundment, including original seizure, as set forth in Schedule "A" to this By-law.
7. If an animal is not redeemed within the time period specified in this By-law, the animal shall become the property of the Municipality and may be:
  - a) Sold privately, by auction or by other commercially reasonable means;  
or
  - b) Euthanized on the recommendation of a veterinarian.
8. A poundkeeper or By-law Enforcement Officer after consultation of and/or examination of such animal by a veterinarian, if available, may euthanize an animal without delay without permitting any person to redeem it if:

- a) The animal seized and impounded under this By-law is seriously injured or ill and should be euthanized without delay for humane reasons;
  - b) Euthanasia of the animal seized and impounded under this By-law as necessary for the safety of persons.
9. Where, in the opinion of the poundkeeper or By-law Enforcement Officer an animal seized and impounded under this By-law is injured and requires the services of a veterinarian or veterinary surgeon, the said pound keeper, or By-law Enforcement Officer shall arrange for such services and, in addition to any amount charged under this section of the By-law and pursuant to Schedule "A" hereto, the Municipality is entitled to charge the owner of the animal the cost of the veterinary care invoiced to the Municipality at the direction of the By-law Enforcement Officer.
10. In the event that any animal impounded pursuant to this By-law and for which impoundment and maintenance charges and reimbursement of any veterinary services becomes chargeable to the owner the Municipality may deem such charges as property taxes and thereafter add same to the tax roll accruing to any property of the owner located within the Municipality and thereafter collect those charges from the said owner in the same manner as property taxes.

## **CONFINEMENT OF ANIMALS**

11. If, in the opinion of the local Health Unit or an officer, an animal shall be put in confinement, the owner of the animal shall:
- a) Comply with the confinement order of the Health Unit or officer; and
  - b) Be responsible for the costs associated with the confinement including the costs of any veterinary care required for the animal and any other applicable fees.
12. In the event that the owner of the animal fails or refuses to pay the costs associated with the confinement as set forth in s.11.b. above, then the Municipality may arrange for such confinement and in addition to any amount charged under this section of the By-law and pursuant to Schedule "A" hereto the Municipality may deem such costs and charges as property taxes and thereafter add same to the tax roll accruing to any property of the owner located within the Municipality and thereafter collect those costs from the said owner in the same manner as property taxes.

## **PAYMENT OF CHARGES/COSTS**

13. Every person responsible for the payment of any charges, costs, and expenses incurred under this By-law shall make such payment in full upon demand by the Municipality.
14. The payment of any fees and charges as required under this By-law does not constitute partial or full payment of any fines imposed by a Court of competent jurisdiction for an offence committed under this By-law or any other By-laws.

## **OFFENCE**

15. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and other penalties imposed pursuant to the Provincial Offences Act, 1990, c. P-33, as amended.

## **VALIDITY**

16. If a Court of competent jurisdiction declares any provision or provisions, or part thereof, of this By-law as invalid, it is the intention of council that the remainder of the By-law shall continue to be in force.

## **CONFLICT**

17. In the event of conflict between the provisions and effect of this By-law and any other By-law of the Municipality, including but not limited to By-law 2010/004 as relating to the licensing and regulating of the keeping of dogs and prohibiting the running at large of dogs within the limits of the Municipality, the provisions and effect of such other By-law shall prevail.

## **EFFECTIVE DATE**


18. This By-law shall come into full force and effect on the day of its final passing thereof.

## **SHORT TITLE**

19. This By-law shall be referred to as the "Animal Impoundment By-law".

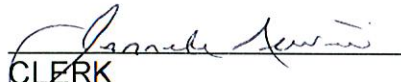
READ A FIRST AND SECOND TIME this 18<sup>th</sup> day of May, 2011.

  
MAYOR

  
CLERK

READ A THIRD TIME and FINALLY PASSED this 18<sup>th</sup> day of May, 2011.

  
MAYOR

  
CLERK

**SCHEDULE "A"**  
**to BY-LAW NO. 2011/043**

**Charges**

**1. Seizure Fee**

\$150.00 per animal plus travel fees charged by seizing person or agency to a maximum of \$1.00 per kilometer

**2. Impound/Maintenance/Quarantine Fees**

\$10.00 per day per animal or as charged by third party supplier of pound/quarantine facilities, whichever is greater (exclusive of any associated veterinary charges/expenses)

**3. Administrative Fee**

5 percent of all fees chargeable as set forth above.

**Note**

In addition to fees and charges set forth above, any and all applicable taxes shall also be charged.

**MUNICIPALITY OF SOUTHWEST MIDDLESEX  
PART 1 – Provincial Offences Act  
BY-LAW NO. 2011/043  
Animal Impoundment By-law  
SCHEDULE “B” – Page 1 of 1**

**Short Form Wording and Set Fines**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Permit animals to run at large	Section 3	\$250.00

**NOTE:**

The general penalty provision for the offences listed above is section 15 of By-law No. 2011/043, a certified copy of which has been filed.