

The Corporation of the Township of Hornepayne

By-Law No. 2001

**Being a By-law to regulate Animals
within the Township of Hornepayne**

WHEREAS pursuant to the *Municipal Act, 2001*, Sections 103, 128 and 129 and the *Pounds Act, R.S.O. 1990* and amendments thereto, by-laws may be passed prohibiting the keeping of animals or any class thereof within the Municipality by any person; and,

WHEREAS the Council of the Corporation of the Township of Hornepayne desires to control the keeping of certain kinds of animals within the corporate boundaries of the Township of Hornepayne.

NOW BE IT THEREFORE ENACTED by the Council of the Corporation of the Township of Hornepayne:

1. TITLE

This By-law may be referred to as "The Animal By-law".

2. DEFINITIONS

In this By-law:

Animal shall include dogs, cats, birds, and reptiles.

Animal Shelter shall mean the approved premises designated by the Corporation for the purpose of impounding and caring for animals picked up by agents of the corporation in violation of this By-law.

By-Law Enforcement Officer shall mean the person or persons designated by the Corporation to enforce this By-law.

Corporation shall mean the Corporation of the Township of Hornepayne.

Dwelling unit shall mean a separate set of living quarters including at least one room and separate kitchen and sanitary facilities, with a private entrance from outside or from a common hallway or interior stairway.

Owner shall include any person who owns, possesses, harbors, or controls an animal listed in Schedule "A" to this by-law and "owns" or "owned" shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of the animal or animals. Where the Owner of the animal is a minor, the person responsible for the custody of the minor shall be deemed to be the owner of the animal or animals.

Running at large shall mean being found in any place other than the Owner's premises and not under the physical control of any person;

"Restrained," means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent an animal from coming in contact with persons other than the owner of the animal.

Rural Area means that portion of the Township of Hornepayne not serviced by sewer and water supplied by the Municipality.

Urban Area means that portion of the Township of Hornepayne serviced by sewer and water supplied by the Municipality.

3. ANIMALS PROHIBITED

No person shall keep any animal of any kind listed in Schedule "A" attached hereto in the Township of Hornepayne (hereinafter referred to as a "Prohibited Animal") in a dwelling unit, or on any property within the Township of Hornepayne, for sale, exhibition, as a pet, or for any other purpose.

Schedule "C" attached hereto is a list of the properties "grandfathered" due to the existence of Prohibited Animals at the time of passing of this By-law.

4. EXCEPTION

- (a) On the premises of a secondary school, junior high school, or pre-school, where such animals are being kept for research, study, or teaching purposes.
- (b) Exceptions will be considered on an individual basis upon formal written application to Municipal Council.

5. ANIMALS AT LARGE

No owner of a Prohibited Animal shall cause or permit the animal to run at large in the Township of Hornepayne. Any Prohibited Animal found at large may be seized by the Animal Control Officer or by any other person and released to the Animal Control Officer or Officers pursuant to the *Pounds Act, R.S.O. 1990, c. P.17*.

6. IMPOUNDED ANIMALS

- (a) Any Prohibited Animal impounded and detained under this By-law may be destroyed after three (3) days have elapsed, excluding the day it was detained, statutory holidays and weekends. Any Prohibited Animal detained and not destroyed may be claimed by the owner upon payment of the fees in accordance with the Township of Hornepayne's Comprehensive User Fees and Services Charges By-law, as amended from time to time.
- (b) Any person claiming a Prohibited Animal that has been impounded shall not return the Prohibited Animal to any Dwelling unit; if to do so would contravene section 3 of this by-law.

7. RUNNING AT LARGE OF ANIMALS

- (a) Owners shall keep all animals inside their dwelling unit or upon the exterior property of the Owner's dwelling unit.
- (b) For the purpose of this section, an animal shall be deemed to be running at large when in any place other than the premises of the owner of the animal and not under the control of any person.
- (c) No Owner of any animal shall cause or permit the animal to run at large in the Township of Hornepayne.
- (d) For the purpose of this By-law an animal shall be deemed not to be under the control of any person when the animal is not on a leash of a maximum length of two (2) meters held by a person or is not on a leash which is securely affixed to some permanent structure from which the animal cannot escape, or confined by a pen, cage, or fenced yard.

8. IMPOUNDING AND DESTRUCTION

- (a) Any animal found running at large contrary to this By-law may be seized and impounded and may, after three (3) days have elapsed, excluding the day it was impounded, statutory holidays and weekends, be destroyed. Any animal seized and impounded and not destroyed, may be claimed by the owner upon payment of a fee in accordance Township of Hornepayne's Comprehensive User Fees and Services Charges By-law, as amended from time to time.
- (b) Every effort shall be made to contact the owner of an impounded animal with a licensed tag within a 24-hour period.
- (c) An animal so impounded shall not be released until the owner thereof has paid to the Animal Control Officer the fine for an animal running at large, the pick-up fee, and the impoundment fee. If such animal does not have a tag, double the regular license fee is payable prior to release.
- (d) Where an animal is seized under this By-law and is, in the opinion of the Animal Control Officer, injured and should be destroyed without delay for humane reasons or for reasons of safety to persons or other animals, the Animal Control Officer may destroy such animal as soon after seizure as he/she thinks fit without offering it for sale and no damages or compensation shall be recovered on account of its billing other than the fee for euthanasia.
- (e) Any Owner shall also pay, upon claiming an impounded animal, 100% of the cost of any veterinary fees incurred by the animal.
- (f) Any Owner shall also be responsible for all costs/wages incurred during impoundment.

9. DEFECATION BY ANIMALS

- (a) No owner of an animal and no person who has control of an animal shall allow or permit the animal to defecate or urinate in or on:
 - i) public property; or,
 - ii) private property, without the express consent of the owner or occupier of the said property.
- (b) Should an animal defecate in a manner referred to in subsections (i) and (ii), the owner of the animal or the person in control of the animal, shall immediately and without delay, remove the excrement and provide for its sanitary disposal.

10. TAGS AND PROHIBITIONS

- (a) Every owner of an animal shall procure a tag for such animal and shall keep the tag fixed on the animal for which it was procured at all times during the year and until he procures a tag for such animal for the following year. (Township of Hornepayne's Comprehensive User Fees & Service Charges By-Law, as amended from time to time).
- (b) No owner of an animal shall use a tag upon an animal other than for which the tag was issued.

11. LICENCE FEES, TAGS AND FEE REGULATIONS

- (a) If a person becomes an owner of an animal after the first day of August in any year, such person may obtain a license for such animal for the remainder of the calendar year upon payment of one-half of the yearly license fee required by this by-law. License Fees listed in the Township of Hornepayne's Comprehensive User Fees & Service Charges By-Law, as amended from time to time.
- (b) The blind owner of a guide dog shall be issued a dog license free of charge upon production of a card from the Canadian National Institute for the Blind issued to such owner and provided that all other provisions of this by-law are complied with.

12. SCHEDULES

The following schedules form an integral part of this By-law:

- Schedule A - List of Prohibited Animals for Urban/Rural areas
- Schedule B - Release form for Vaccination
- Schedule C - Listing of Grandfathered Properties

By-law No. 1475 is hereby repealed.

This By-law shall come into full force and effect immediately upon the passing thereof.

Read a first and second this 17th day of May 2023.

Read a third time and finally passed this 17th day of May 2023.



Cheryl Fort (Jun 7, 2023 08:57 EDT)

Presiding Officer



Aileen Singh (Jun 14, 2023 08:12 EDT)

Clerk

Schedule "A" to
By-Law No. 2001
Animal By-Law

List of Prohibited Animals

The following animals are prohibited in the urban areas but permitted in the rural areas in the Township of Hornepayne:

- 1) Chickens
- 2) Ducks
- 3) Geese
- 4) Pheasants
- 5) Quail
- 6) Rabbits
- 7) Turkeys
- 8) Peacocks
- 9) All Artiodactylous Ungulates (such as Cattle, Goats Sheep and Pigs)
- 10) All Perissodactylus Ungulates (such as Horses, and Zebra)
- 11) All Ratite Birds (such as Ostriches, Rheas, Cassowaries)
- 12) All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls)
- 13) All Columidae (such as Pigeons and Doves)

The following animals are prohibited in both the urban and rural areas of the Township of Hornepayne:

- 1) All Marsupials (such as Kangaroos and Opossums)
- 2) All non-human primates (such as Gorillas and Monkeys)
- 3) All Felines with exception of domesticated house cats (such as Lions, Tigers, and Cougars)
- 4) All Canids (such as Wolves)
- 5) All Viverrids (such as Mongooses, Genets)
- 6) All Mustilids (such as Skunks, Weasels and Ferrets)
- 7) All Ursids (bears)
- 8) All Procyonids (such as Raccoons, Coatis and Cacomistles)
- 9) All Hyenas
- 10) All Elephants
- 11) All Pinnipeds (such as Seals, Fur Seals, and Otters)
- 12) All Snakes and families Pythonidae and Boidae
- 13) All Venomous Reptiles
- 14) All Edentates (such as Anteaters, Sloths, and Armadillos)
- 15) All Bats
- 16) All Crocodilians (such as Alligators and Crocodiles)
- 17) All Arachnids (such as Scorpions and Tarantulas)

NOTE: Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

Schedule "B" to
By-Law No. 2001
Animal By-Law

RELEASE FORM

I _____ have picked up my animal from the
Animal Shelter and acknowledge that the animal has not been vaccinated for rabies.

My animal is being released to me on the understanding that _____
shall have my animal vaccinated for rabies within 30 days of this
date _____ and supply the Municipal Office with a copy of the
Veterinarian certificate.

Owner or Representative

Township Representative

Schedule "C" to
By-Law No. 2001
Animal By-Law

Prohibited Animals
Grandfathered Listing of Properties
For the keeping of existing Prohibited Animals in the
Restricted serviced areas in Municipality
as of the date of passage of this By-law

12 Becker Road, Roll Number 57 96 000 005 13300 0000
Plan M143, Lot 15, Pcl 4293 AWS

163 Brown Street, Roll Number 57 96 000 004 14800 0000
Con 4 E PT LOT 15 PCL 2898 AWS, 31.30 Acres

15 Queen Street, Roll Number 57 96 000 005 06600 0000
Plan M68, Lot 43Pt, Pcl 10679 AWS

137 Riverside Drive, Roll Number 57 96 000 005 02700 0000
Plan M68 BLK C Pt PCL 3232, 1.49 Acres

The Corporation of the Township of Hornepayne

By-Law No. 2095

Being a By-Law to amend By-Law No. 2001, being a By-Law to regulate Animals within the Township of Hornepayne

WHEREAS By-Law No. 2001 does not conform with Section 61 of the *Provincial Offences Act R.S.O. 1990*;

BE IT THEREFORE ENACTED by the Council of the Corporation of the Township of Hornepayne:

By-Law No. 2001 be amended as follows:

1. **THAT** the following new section 12 be added:

12. PENALTIES


- (a) Every person who contravenes 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, Chapter P33* as amended from time to time.
- (b) Each day on which a person contravenes any provision of this By-Law shall be deemed to constitute a separate offence under this By-Law as provided for in Section 429 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended.
- (c) No person shall interfere with, hinder or molest an agent of the Township of Hornepayne in the performance of any duty of such agent, or seek to release any dog, cat, or animal in the custody of the Municipality, or its agents, except as herein provided.
- (d) No person shall tamper, remove, or interfere with traps or equipment.
- (e) No person shall refuse to produce any documents or things required by an agent in the exercise of a power or performance of a duty under this By-Law, and every person shall assist any entry, inspection, examination or inquiry by an agent.
- (f) No person shall knowingly furnish false information to an agent.
- (g) Every person who fails to comply with an order issued under this By-Law shall be guilty of an offence.

2. **THAT** Section 12 entitled "SCHEDULES" be renumbered as Section 13.

This By-Law, containing amendments to By-Law No. 2001, shall come into force and take effect upon passage.

Read a first and second time this 2nd day of October 2024.

Read a third time and finally passed this 2nd day of October 2024.



Presiding Officer



Clerk