



**BY-LAW NO. 11
ANIMAL CONTROL BY-LAW**

WHEREAS Section 174(f) of the *Municipal Government Act* provides that council may make by-laws respecting domestic animals and activities in relation to them.

Title

1. This By-law is entitled the “Animal Control By-law”.

Definitions

2. In this By-law:
 - (1) “Animal” means any domestic animal excluding a dog or an animal that is the result of the breeding of a dog and any other animal.
 - (2) “Running At large” means to be found in any place other than the Owner’s property and not under the control of any person;
 - (3) “Council” means the Council of the Municipality of the District of Barrington;
 - (4) “Daily Pound Fee” means the fee per day charged by the Municipality to keep any Animal impounded, as set by resolution of Council;
 - (5) “Destroy” means kill;
 - (6) “Extraordinary Expense” means any expense incurred by Municipal Staff in relation to an Animal above any beyond the Impound Fee and Daily Pound Fee, except for provision of food and shelter;
 - (7) “Impounding Fee” means the fee charged by the Municipality to impound an Animal under this By-law, as set by resolution of Council;

- (8) "Municipal Staff" means the Municipality's By-law Enforcement Officer or a person appointed by the Chief Administrative Officer or Council to act on the Municipality's behalf for the purposes of this By-law;
- (9) "Municipality" means the Municipality of the District of Barrington;
- (10) "Owner" means the owner of an Animal and any person who possesses, has the care or control of, or harbours, an Animal. and where such person is a minor, includes a parent, guardian or custodian of such a person;
- (11) "Pound Keeper" means the person designated by Council as the Pound Keeper to shelter and house Animals under this By-law;

Rabid Animals

- 3. Municipal Staff may, where immediate action must be undertaken to protect the health, safety or welfare of people or animals, without notice to or complaint against the Owner, Destroy on sight an Animal that is Running At Large and is rabid or appears to be rabid.

Running At Large

- 4. No Owner shall cause, permit or suffer an Animal to be Running At Large within the Municipality.
- 5. Municipal Staff may, without notice to or complaint against the Owner, capture and impound:
 - (1) an Animal that is Running At Large and which Municipal Staff believes, on reasonable and probable grounds, to pose a possible danger to a person or to a domestic animal or to property of persons other than the Owner; or
 - (2) an Animal, excluding domestic cats, that is Running At Large.
- 6. The Owner of an Animal impounded pursuant to this By-law shall be liable for all impounding charges including the Impounding Fee, the Daily Pound Fee and any Extraordinary Expenses.

Redemption of Impounded Animal

- 7. Except in the case where an impounded Animal is suffering from an infection or contagious disease, the Owner of an Animal which has been impounded may redeem an Animal upon:

- a) proof of ownership of the Animal; and
- b) payment to the Pound Keeper or making arrangement for payment satisfactory to the Municipality of the Impounding Fee, the Daily Pound Fee and any Extraordinary Expenses.

Notice

- 8. Upon any Animal being impounded, the Municipality shall make at least one attempt to contact the Owner of the Animal if ownership can be reasonably determined.
- 9. If an Animal is missing and has been impounded, the onus is on the Owner of the Animal to ascertain, within 72 hours of impounding, whether the Animal has been impounded, and neither the Pound Keeper nor the Municipality shall incur liability in the event of failure to give notice to the Owner if the Owner has not made inquiry of the Municipality to determine whether the Animal was impounded.

Giving Away, Selling or Destroying an Animal that is Not Redeemed

- 10. Any Animal which has been impounded and not redeemed by its Owner at the expiry of a period of 72 hours after being impounded, or where the 72 hours expires on a non-business day the first business day following, may be given away, sold or Destroyed by the Municipality and, if sold, the proceeds shall belong to the Municipality, except where the Owner of the Animal has been identified the Municipality shall consider written representations from the Owner as to why the Animal should not be given away, sold or Destroyed, and the Municipality shall consider such representations and notify the Owner of its decision by registered mail. If the Municipality decides not to Destroy the Animal the Animal shall remain impounded and dealt with in accordance with Section 7 of this By-law.

Penalty

- 11. Any person who contravenes any provision of this By-law is guilty of an offence punishable on summary conviction by a fine of not less than \$100.00 and not more than \$500.00 and to imprisonment of not more than 30 days in default of payment thereof.

Repeal and Replacement

- 12. By-law No. 11 "Animals" adopted by Barrington Municipal Council on June 28, 1973 and amended on September 30, 1974, November 28, 1984 and July 26, 2004 is hereby repealed and replaced with this new "Animal Control By-law".

Chief Administrative Officer’s Annotation for Official By-law Book

Date of first reading: November 23, 2020
Date of advertisement of Notice of Intent to Consider: January 6, 2021
Date of second and final reading: January 25, 2021
*Date of advertisement of Passage of By-law: February 10, 2021
Date of mailing to Minister a certified copy of By-law: February 10, 2021

I certify that Council adopted By-law No. 11 “Animal Control By-law” at their meeting held January 25, 2021 and published as indicated above. This by-law replaces By-law No. 11 “Animals By-law”.

Chief Administrative Officer

Date

*Effective Date of the By-law unless otherwise specified in the text of the By-Law.

VERSION LOG

Version Number	Amendment Description	Amendment/Policy Owner	Approved By	Approval Date
1	Adoption of new By-law	CAO	Council	January 25, 2021