

Township of Zorra



Poundkeeper By-law 62-11

Office Consolidation

**Amending By-laws
By-law No. 01-23**

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**CORPORATION OF THE
TOWNSHIP OF ZORRA**



BY-LAW NO. 62-11

**BEING A BY-LAW TO PROVIDE FOR THE KEEPING OF POUNDS
AND PROHIBITING THE RUNNING AT LARGE OR TRESPASSING
OF DOMESTIC FARM ANIMALS, OTHER THAN DOGS,
IN THE TOWNSHIP OF ZORRA AND FOR THE
PURPOSE OF APPOINTING POUNDKEEPER(S).**

WHEREAS pursuant to the Municipal Act, S.O. 2001, subsection (11), (103) and (398), as amended, and the Pounds Act R.S.O. 1990, c. P.17, as amended, provided the authority for a municipality to pass a by-law to prohibit animals other than dogs being at large or trespassing, the seizure and impounding of animals unlawfully being at large; the sale of impounded animals if they are not claimed or if the damages, fines and expenses are not paid according to law; the establishment of procedures of the voluntary payment of penalties out of court where it is alleged that the by-law has been contravened; and to appoint Poundkeeper(s).

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:

1.0 DEFINITIONS

“Animal” means a domestic farm animal other than a dog or cat.

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and pedestrians and includes the area between the lateral property lines.

“Owner” in relation to an animal means and includes a person who harbours the animal and shall include a corporation.

“Pound” means the premises used by the Poundkeeper for the impounding of animals by authority of this By-Law or any other premises to which an animal is transferred by him/her by authority of this By-Law.

“Pound Service Fees” means the fees and disbursements fixed by law for the impounding of animals, and if none are so fixed, reasonable fees and disbursements for the purpose.

“Poundkeeper” means a person or persons appointed by the Township to retrieve, impound and operate an animal pound.

“Running at Large” in relation to an animal being found on a highway or any place other than premise of the animal owners and not in the control of the animal owner.

“Town” means the Corporation of the Township of Zorra.

2.0 APPOINTMENT OF A POUNDKEEPER

2.1 The Council of the Township of Zorra may by by-law appoint one or more Poundkeepers who are residence within or outside the boundaries of the Township of Zorra, to hold office for a term definite or until his/her or their

successors are appointed.

2.2 Each appointment shall be as an agent for the Township of Zorra and not as an employee, and shall enforce the provision of the Pounds Act and this By-Law and such appointments shall be covered by the Township of Zorra's insurance policy.

3.0 REMUNERATION

3.1 The compensation to the Poundkeeper for services rendered by him or her in carrying out the provisions of this by-law shall be as set out in Schedule "A" to this by-law.

4.0 DUTY OF A POUNDKEEPER

4.1 Establish Pound:

(a) Each Poundkeeper shall provide premises for the enclosure and safe keeping of any animal or animals impounded, and shall ensure that the premises are clean and in good repair, but shall not be liable for any loss other than attributable to his/her negligence or default.

(b) The Poundkeeper may establish from time to time temporary premises for the confinement of livestock apprehended and the owner of such premises shall provide care for the impounded animals at a rate of remuneration fixed by this By-Law. The premises (Pound) may be within or outside the Municipal boundaries.

(c) The Poundkeeper shall engage the services of a qualified veterinarian if there are any questions as to the health of the animal or animals being impounded for the purposes of:

- i) Determining if the said animal or animals need to be tranquillized for transporting safely, or
- ii) Determining whether the said animal or animals need to be euthanized.

4.2 Poundkeeper's Record:

The Poundkeeper shall be furnished with a book in which he or she shall enter the following:

- Description of every animal impounded
- Name of person presenting or sending animal for impoundment
- Year, month, day and hour animal received
- Year month day and hour if animal redeemed
- Amount of damage
- Fees paid by party redeeming
- Proceeds of sale if any.

The Poundkeeper shall at all times produce the record book for inspection when required to do so by the Clerk of the Township of Zorra.

4.3 Animals Unlawfully At large:

The Poundkeeper shall impound any horse, bull, ox, cow, sheep, goat, pig or other cattle, geese or other poultry, distrained for unlawfully running at large or for trespassing and doing damage, delivered to him or her for the purpose by any resident within the boundaries of the Township of Zorra and shall detain same until the owner thereof has paid any claim for damages done by it and costs unless sooner sold as herein provided.

4.4 Notification – to Clerk

The Poundkeeper where an animal has been impounded, the Poundkeeper shall request the Clerk, as soon as is practical notify the animal owner a notice in writing containing a description of the colour, age, and natural and artificial marks of the animal,

as nearly as may be.

Notice of Impoundment

The undersigned as Poundkeeper for the Township of Zorra, on (insert day/year) did impound the following animal: (insert description of animal) from the following location: (insert location where animal found).

Poundkeeper (insert address & phone number)

4.5 Notification – of Impoundment and Sale

Upon notification from the Poundkeeper where an animal is impounded and not claimed by the owner, the Clerk shall cause to post for eight (8) consecutive days, in three public places in the Township of Zorra, a notice as follows, describing the animal, the age as near as possible, age, colour, and any breed or other marks of identification.

Notice of Impoundment

The undersigned as Poundkeeper for the Township of Zorra on (insert day/year) did impound the following animal: (insert description of animal) from the following location: (insert location where animal found). Take notice that if the owner or someone on the owner's behalf has not been replevied or redeemed; paid all claims, costs and damages if any, to the undersigned and fence-viewers, if any by (insert date), the animal impounded will be sold at public auction (insert the time and place at which the animal will be publicly sold).

Poundkeeper (insert address & phone number)

4.6 After the expiry of the eight (8) days, excluding Saturdays, Sundays and Statutory Holidays, from the day of impounding and the animal has not been restored to the owner, the Poundkeeper shall be authorized to sell the animal if the costs and charges of such impounding care and keeping and the appraised damages have not been paid within the eight (8) days. Any monies received for the sale of the animal shall be applied as follows:

- To recover any expenses incurred by the Poundkeeper for services rendered to impound and keep the animal; and
- To recover any expenses incurred by the Poundkeeper for the sale of the animal.

4.7 Notwithstanding a demand for the release of any animal so impounded, made by the owner thereof, such animal shall be held by the Poundkeeper for a period of 48 hours following such impoundment, and if no notice of claim for any loss or damage occasioned by such animal is made to the Poundkeeper within such time, the Poundkeeper may forthwith deliver up such animal to the owner upon payment of the costs and expenses of such impoundment. If Poundkeeper is satisfied that no possible claim could be submitted for loss or damage he/she may deliver up such animal to the owner.

5.0 DAMAGES

5.1 The owner or occupier of any land on which damages have been committed by any animal running at large or trespassing shall immediately give to the Township of Zorra, a written statement signed by him/her stating the damage committed and the amount claimed in respect thereof. The owner of such animal shall pay the amount so claimed in respect to damages directly to the Township of Zorra as well as the amount so claimed by the Poundkeeper for expenses before such owner shall have the right to remove said animal from the said pound. No Poundkeeper shall deliver up an animal impounded by him/her unless and until all damages, costs and expenses have been fully paid.

- 5.2 If the owner of the animal impounded claims that the damages are excessive he/she shall pay the amount claimed to the Township of Zorra together with the costs and expenses, and the Township of Zorra shall then call in three fence viewers to act as appraisers and such appraisers shall then appraise the damage done after viewing the same and doing all things necessary to enable them to ascertain the extent of such damage. When they or a majority of them have ascertained the extent of the same they shall deliver a written signed statement to the Clerk showing the amount at which they have appraised the damage, but in no case shall the appraiser adjudge greater damage than that claimed and the amount appraised by them or a majority of them as aforesaid shall be the amount of damage to be paid by the claimant.
- 5.3 If more than one animal is impounded and the owner thereof is known, the Township of Zorra shall not sell any more of such animals after he/she has realized from the sale sufficient proceeds to satisfy the claims for damages, expenses and feed chargeable against the animals, and the owner of the animals shall be entitled to the remainder of those remaining unsold and any extra proceeds from the sale if any. If the owner of the animals is unknown, the Township of Zorra shall sell all the animals impounded.
- 5.4 In the event of the proceeds of the sale under the last proceeding section not being sufficient to pay the expenses and damages in full, the Council shall reimburse the Poundkeeper for any expenses, including the allowable sustenance charges, incurred by him/her and the owner of the animal shall be liable for payment of the deficiency and if same remains unpaid, such amount may be added to the tax roll in the name of the owner.
- 5.5 Nothing herein contained shall prevent the owner of any lands trespassed upon or of any property destroyed waiving right arising under the By-Law and bring his/her action in any competent court in consequence of any trespass.

6.0 Unclaimed Animals

- 6.1 If an impounded animal has not been claimed, the Township of Zorra shall sell the animal by public auction and apply the proceeds of sale firstly in payment of any costs and charges attending the sale, secondly in payment of any sustenance charges, thirdly to the impounded of such animal of the amount due to him/her for delivering the animal to the Poundkeeper, fourthly to the party claiming the damages, the amount of his/her claim and the residue, if any, to the Treasurer of the Township of Zorra to be retained by him/her in a special account for one year when, if not claimed, such proceeds shall go the general funds of the Township of Zorra.

7.0 Running at large of Animals

- 7.1 No person or corporation being the owner in charge of an animal shall allow it to run at large or trespass within the boundaries of the Township of Zorra at any time.
- 7.2 The owner of any animal running at large within the Township of Zorra shall be liable for any damage caused by it.
- 7.3 Any person finding an animal running at large on any Highway contrary to Section 7.1 of this By-law or trespassing on the premises of which he or she is the owner or occupant or the agent of the owner or occupant, contrary to Section 7.1 of this By-Law, may cause the animal so running at large or trespassing to be taken to the Pound.
- 7.4 If the Poundkeeper is satisfied that the animal at large is there by accident, that owner or person in charge of it has not been negligent and that the owner or person in charge of it has proceeded with proper dispatch to recover such animal and confine same, no further action is required.

8.0 Obstruction/Interference with Poundkeeper/Township of Zorra Municipal

Officials

- 8.1 No person shall hinder, delay or obstruct the Poundkeeper engaged in the enforcement of this by-law.
- 8.2 No person shall break open or in any matter directly or indirectly aid or assist any person to break open any pound.

9.0 Animal Retained by distrainer

- 9.1 If the animal distrained by a resident of the municipality for straying in the resident's premises, instead of delivering the animal to the Poundkeeper, the resident may retain the animal in the resident's own possession, if the resident makes no claim for damages done by the animal and duly gives the notices pursuant to the Pounds Act.
- 9.2 Every such person who furnishes an animal with food, water, and shelter may recover the value thereof from the owner of the animal and also a reasonable allowance for the person's time, trouble and attendance in the premises as set out in Schedule "A" and pursuant to the recovery provisions set out in the Pounds Act.

10.0 Offences / Enforcement

- 10.1 Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990 c.P33*, as amended (see Schedule "B").
- 10.2 If payment is not received by the owner and/or person having custody and control of any animal in accordance with the provisions established under this By-Law, and where the sale of the impounded animal does not cover the fees/expenses incurred by the municipality the outstanding fees/expenses shall be deemed to be a lien on the land and shall be deemed to be municipal real property taxes and may be added to the collector's roll and collected in the same manner with the same priorities as municipal real property taxes in accordance with the terms of Section 398 of the Municipal Act, S.O., 2001, c.25 and
- 10.3 If anything is required or directed to be done in accordance with this by-law, the Township may, upon such notice as they deem suitable, charge a minimum administration fee of \$150.00, which may be recovered by action or in like manner as municipal taxes. ***(Added by By-law 01-23)***

11.0 ENACTMENT

- 11.1 This by-law shall come into effect on the day it is passed.

READ A FIRST AND SECOND TIME THIS 19th day of JULY, 2011.

READ A THIRD TIME AND FINALLY PASSED THIS 19th day of JULY, 2011.

**MAYOR
MARGARET LUPTON**

**CLERK
KAREN GRAHAM**

**Corporation of the Township of Zorra
By-law No. 62-11
Schedule "A"**

Amended by By-law 01-23

<u>Services</u>	<u>Fees</u>
1. Impounding horses, bulls, oxen, cows, rams or other cattle, each	\$100.00
2. Feeding animals listed in 1. (above) per day, each – includes associated feeding costs	\$40.00
3. Impounding sheep, goats and swine, each	\$100.00
4. Feeding animals listed in 3. (above) per day, each – includes associated feeding cost	\$20.00
5. Impounding geese or other poultry, each	\$100.00
6. Feeding geese or other poultry, per day, each – includes associated feeding cost	\$15.00
7. Posting notice of sale	Cost
8. Attending for summons and serving same on appraisers of damages	\$90.00
9. For advertising	Cost
10. Mileage at current Canada Revenue Rate	Cost
11. Plus actual costs for handling therefore (transportation cost)	Cost
12. Veterinarian consultation and services	Cost
13. Miscellaneous Associated Fees	Cost
14. Attending non-impounding service calls	\$60.00 per hour with minimum three-hour payable per call \$30.00 per hour for second-hand with minimum three-hour payable per call if required to manage animals at large (determined by poundkeeper)

TOWNSHIP OF ZORRA
Part I Provincial Offences Act
BY-LAW 62-11, as amended
SCHEDULE "B"
SHORT FORM WORDING
Amended by By-law 01-23

Short Title: BY-LAW NUMBER 62-11, as amended: POUNDKEEPER BY-LAW

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Permitting an animal to run at large or trespass	7.1	\$500.00
2	Obstruct or hinder Poundkeeper/Officer	8.1	\$200.00

Note: The general penalty provision for the offences listed above is Section 10.3 of By-law 62-11, as amended, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33., a certified copy of which has been filed.