

# INCORPORATED VILLAGE OF HILTON BEACH

## BY-LAW #2020-09

### BEING A BY-LAW TO REGULATE AND PROHIBIT THE KEEPING OF CERTAIN KINDS OF ANIMALS WITHIN THE VILLAGE OF HILTON BEACH

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WHEREAS Sections 9 of the Municipal Act 2001, S.O., 2001, c. 25 confers the power to pass by-laws regulating or prohibiting animals to a lower or single tier municipality;

AND WHEREAS Section 8(3) of the Municipal Act, 2001, S.O., 2001, c.25 provides that a by-law under Section 11 respecting a matter may:

- (a) Regulate or prohibit respecting the matter;
- (b) Require persons to do things respecting the matter; and
- (c) Provide for a system of licences respecting the matter;

AND WHEREAS the Council of the Village of Hilton Beach deems it expedient to regulate and prohibit the keeping of certain kinds of animals within the Village of Hilton Beach;

**NOW THEREFORE BE IT RESOLVED** that the Council of the Incorporated Village of Hilton Beach ENACTS as follows:

#### 1. DEFINITIONS

In this By-law:

"Animal Control Officer" means a Village of Hilton Beach By-law Enforcement Officer;

"Domestic Farm Animal" shall mean and include Cows, bulls, oxen, bison, pigs, alpacas, sheep, goats, horses, donkeys, mules, turkeys, pigs, boars, rabbits;

"Domestic Fowl" shall mean and include geese, ducks, turkeys, chickens, roosters and any other such poultry and the young of any of them.

"Dispose" means to sell, adopt out or destroy;

"Owner" means any person who possesses or harbours a domestic farm animal or domestic fowl;

"Village" means the Incorporated Village of Hilton Beach.

#### 2. RESTRICTION

No person shall possess, keep or harbour a domestic farm animal or domestic fowl in any premises or on property within the Village of Hilton Beach, save and except in or upon lands located within the Rural (RU) Zone as defined in the Village of Hilton Beach's Zoning By-law.

#### 3. IMPOUNDMENT

Any domestic farm animal or domestic fowl may be seized and impounded by an Animal Control Officer if it is:

- (a) Found running at large;
- (b) Is being kept by its owner in contravention of this by-law.

## 5. RELEASE OF DOMESTIC FARM ANIMAL OR DOMESTIC FOWL

An Animal Control Officer may release an impounded domestic farm animal or domestic fowl to an owner at any time unless otherwise directed by this by-law.

### CONDITIONS TO RELEASE:

An Animal Control Officer may require any of the following of the owner prior to releasing the domestic farm animal or domestic fowl, and may refuse to release the domestic farm animal or domestic fowl until such conditions are met:

- (a) Payment of any pound and maintenance fees;
- (b) Payment for the cost of any vaccination or medical treatment administered; or
- (c) Reimbursement of any costs incurred by the Pound during impoundment of the domestic farm animal or domestic fowl.

## 6. DISPOSAL OF DOMESTIC FARM ANIMALS OR DOMESTIC FOWL

### Power to Dispose:

- (a) General: Unless otherwise directed in this by-law, if a domestic farm animal or domestic fowl has been impounded and has not been restored to its owner within three (3) working days after impoundment, the domestic farm animal or domestic fowl may be disposed of by the Animal Control Officer
- (b) Proceeds of Sale: The sale price of any domestic farm animal or domestic fowl sold by the Animal Control Officer shall belong to the Village.

Costs: Any costs incurred by the Pound, including but not limited to the costs of impoundment, inoculation during impoundment, to destroy a domestic farm animal or domestic fowl, and/or for medical treatment administered during impoundment shall be paid to the Pound by the Owner.

## 7. ADMINISTRATION AND ENFORCEMENT

Power: Any Animal Control Officer may enter on land at any reasonable time for the purpose of removing domestic farm animals or domestic fowl in accordance with this by-law or carrying out an inspection to determine whether this by-law, or a direction or notice made under this by-law, is being complied with.

## 8. REMEDIAL POWERS

Where any act or thing required to be done in accordance with this by-law is not done, the Village may cause the matter or thing to be done and recover the costs of doing so by adding the costs to the tax roll of the property and collecting them in the same manner and with the same priority as municipal taxes.

## 9. PROHIBITION ON OBSTRUCTION

No person or persons shall obstruct, hinder, delay or prevent an Animal Control Officer, or Medical Officer of Health, or any person acting under his or her direction or instructions, or as an agent of the Village, in the exercise of any power conferred or the performance of any duty imposed by this by-law.

10. OFFENCE

Every person or Owner who contravenes any of the provisions of this By-law is guilty of an offence and is liable, upon conviction, to a fine as established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation.

COURT ORDER

If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

11. LIABILITY

No Liability: The Village, its agents and servants, the Animal Control Officer and Poundkeeper shall not be liable for damages or compensation for any animal destroyed or sold under the provisions of this by-law and no such damages or compensation shall be paid to any person.

12. SEVERABILITY

Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the court makes an order to the contrary.

13. SHORT TITLE

This By-law may be referred to as the "Domestic Farm Animal and Fowl By-law".

14. EFFECT

This By-law shall come into force on the date of passing.

This By-law given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 13<sup>th</sup> day of May, 2020.

  
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MAYOR

  
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CLERK

**BY-LAW NO. 2020-09**

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KINDS OF ANIMALS WITHIN THE VILLAGE OF HILTON BEACH

APPENDIX 'A'

**BY-LAW TO REGULATE AND PROHIBIT THE KEEPING OF CERTAIN  
KINDS OF ANIMALS WITHIN THE VILLAGE OF HILTON BEACH**

**Part I Provincial Offences Act**

<b>ITEM</b>	<b>Column 1 – Short Form Wording</b>	<b>Column 2- Provision Creating or Defining offence</b>	<b>Column 3-Set Fine</b>
1	Possess a domestic farm animal or domestic fowl	Section 2	\$53.75
2	Harbour a domestic farm animal or domestic fowl	Section 2	\$53.75

**NOTE:**

**Penalty provisions for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33**