

ANIMALS

Chapter 285 CARE OF ANIMALS

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Article 1 SHORT TITLE

285.1.1 Short Title

This Chapter may be cited as the “Care of Animals By-law.” In the text of the Chapter, it is referred to as “this Chapter.”

Article 2 INTERPRETATION

285.2.1 Animal - defined

“animal” means any member of the animal kingdom, other than a human.

285.2.2 Choke collar, choke chain, prong collar - defined

“choke collar”, “choke chain” or “prong collar” means a collar that tightens, constricts or pinches an animal’s neck when tension is applied and may inflict pain or discomfort on an animal.

285.2.3 City - defined

“City” means the Corporation of the City of Orillia or the land within the geographic limits of the Corporation of the City of Orillia as the context requires.

285.2.4 Distress - defined

“distress” means:

- (a) the state of being in need or appearing to be in need of proper care, water, food, or shelter, or;
- (b) being or appearing to be injured, sick, in pain, or suffering.

285.2.5 Motor vehicle - defined

“motor vehicle” includes an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act* R.S.O. 1990 c. H8, and the regulations thereunder.

285.2.6 Officer - defined

“Officer” means a Municipal Law Enforcement Officer, Animal Control Officer, Police Officer or any other person appointed by by-law to enforce this Chapter.

285.2.7 Owner - defined

“owner” when used in relation to an animal, includes any person who possesses, or harbours, or has custody or control of an animal.

285.2.8 Person - defined

“person” includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

285.2.9 Poundkeeper - defined

“Poundkeeper” means a person who has entered into a contract with the City to maintain a pound and any servants or agents of such person.

285.2.10 Tethered - defined

“tethered” means the fastening of a rope, chain, cord or similar restraining device to an animal’s collar or halter so that the animal can only range in an area limited to the length of such rope, chain, cord or similar restraining device.

Article 3
GENERAL PROVISIONS

285.3.1 Animal - tethered

No person shall permit an animal to be tethered unless at all times:

- (a) The animal has unrestricted movement within the range of such tether;
- (b) The animal cannot suffer injury as a result of the tethering;
- (c) The tether is a minimum of three (3) metres in length;
- (d) The tether does not permit the animal to go beyond the limits of the animal owner's property; and
- (e) The animal is not tethered where a choke collar, a choke chain or a prong collar forms part of the tether or a rope, chain, cord or similar restraining device is tied directly around an animal's neck.

285.3.2 Animal - inside motor vehicle - distress

No person shall cause or permit an animal to be in distress while the animal is inside a motor vehicle.

Where a Police Officer has removed an animal from a motor vehicle, any Officer may seize and impound the animal to relieve the animal from distress.

285.3.3 Poundkeeper - authorization

The Poundkeeper is authorized to:

- (a) receive any animal seized under section 285.3.2;
- (b) and shall charge the owner when the animal is redeemed all costs for veterinary medical care where applicable, and a fee of \$30.00 for any animal seized and impounded plus a maintenance sum of \$9.00 for each day subsequent to the day of seizure that the animal remains impounded; and
- (c) if the animal has not been redeemed within five days (exclusive of statutory holidays, or days when the shelter is not open) after the date of seizure, the animal shall become the property of the Poundkeeper and may be:
 - (i) put up for adoption; or
 - (ii) euthanized

and no damages or compensations shall be recovered on account of its euthanization or other disposition.

Where an animal seized under section 285.3.2 is seriously injured or should be euthanized without delay for humane reasons, a veterinarian may euthanize the animal as soon after seizure as he or she thinks fit without permitting any persons to redeem the animal and no damages or compensations shall be recovered on account of the animal being euthanized.

Article 4 ENFORCEMENT

285.4.1 Authority - Enforcement

The provisions of this Chapter may be enforced by an Officer.

285.4.2 Entry and Inspection

An Officer may, at any reasonable time without a warrant, enter on any land for the purpose of carrying out an inspection to determine whether or not this Chapter, or a Court Order made under the *Municipal Act* is being complied with. An Officer may, in carrying out an inspection, be accompanied by an assisting person or persons.

285.4.3 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of “hinder” or “obstruct”, a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

285.4.4 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

285.4.5 Fine - contravention - general

Every person who contravenes any of the provisions of this Chapter, or every director or officer of a corporation who knowingly concurs in the contravention by a corporation, upon conviction, is guilty of an offence and is liable to:

- (i) on a first offence, to a fine of not more than \$25,000.00; and,

- (ii) on a second offence and each subsequent offence, to a fine of not more than \$50,000.00.

285.4.6 Fine - contravention - part 1 offence

Despite section 285.4.5, every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this Chapter is liable to a maximum fine as provided for in the *Provincial Offences Act*.

285.4.7 Court Order - upon conviction

Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**Article 5
INTERPRETATION AND VALIDITY**

285.5.1 Words - plural - singular

In this Chapter, references to items in the plural include the singular, as applicable, unless used with a number modifying them.

285.5.2 Headings - convenience only

Headings are inserted for convenience of reference purposes only, form no part of this Chapter and shall not affect in any way the meaning or interpretation of the provisions of this Chapter.

285.5.3 Amended references

Any references to a statute, regulation, by-law or other legislation or statutory instrument in this Chapter shall include such statute, regulation, by-law or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

285.5.4 Conflict - most restrictive prevails

If a provision of this Chapter conflicts with an Act, or regulation, or another Chapter of the City, the provision that is the most restrictive shall prevail.

285.5.5 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

Article 6
EFFECTIVE DATE

285.6.1 Effective date

This Chapter shall come into force and take effect as of the date of the final passing of the enabling by-law.

Repealed and Replaced: By-law 2022-87, 21 July 2022.