

BY-LAW NO. XX-2020

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO AMEND THE TOWN'S ANIMAL CONTROL BY-LAW 122-2018.

WHEREAS Section 11 of the *Municipal Act*, S.O. 2001 authorizes a lower tier municipality to adopt by-laws respecting matters within spheres of jurisdiction, which includes the prohibition or regulation of animals and;

WHEREAS Sections 103 and 105 of the said *Act* regulates animals being at large or trespassing;

AND WHEREAS the Council of the Town of Carleton Place adopted its Animal Control By-law 122-2018 on December 18, 2018;

AND WHEREAS Council now deems it expedient to amend By-law 122-2018 to address matters relating to animal control and wildlife;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place hereby enacts as follows:

1. THAT the following definitions be added in alphabetical order to Section 1 of By-law 122-2018 with the definitions being renumbered accordingly:

“Attractant” means any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals;

“Feed or Feeding” means the deliberate act of furnishing, or making food or other substances available which is likely to be consumed by wild animals, strays, feral or abandoned animals;

“Pigeon” means a member of a widely distributed family of birds derived from self-sustaining captive populations of Columbidae.

2. THAT Section 4 The Keeping of Other Animals of By-law 122-2018 be amended to include the following:

4.4 No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by, a wild animal, feral or stray domestic animal on private or public property.

4.5 Section 4.4 does not apply to the feeding of songbirds on a property, provided the following feeding requirements are met by the owner or occupier:

4.5.1 seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible to wild animals;

4.5.2 bird feeding practices do not attract large flocks of homing birds such as wild, feral or domestic pigeons; and

4.5.2 spillage of seed upon the ground is removed by the property owner or occupier forthwith and disposed of in such a manner that it does not attract wild animals, feral or stray domestic animals.

4.6 Section 4.4 does not apply in the following situations:

4.6.1 the leaving of food as bait in a trap by a property owner to capture a nuisance animal inhabiting or habituating their property pursuant to the *Fish and Wildlife Conservation Act*, 1997, S.O.1997, c.41;

4.6.2 the leaving of food as bait by a licensed trapper, and employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Inspector or an OPP Officer in the performance of their work.

4.6.3 the leaving of food for a colony of stray or feral cats for the purposes of trap, neuter or spay and release programs approved by the Town of Carleton Place.

3. THAT a new section titled "Entry onto Private Property" be added as Section 13 as follows to replace the current Section 13 in the By-law:

"13 ENTRY ONTO PRIVATE PROPERTY

13.1 A Municipal Law Enforcement Officer, employee of the Public Works Department or any person acting under the Officer's instructions may, without a warrant, enter onto any property to conduct an inspection to confirm compliance with this by-law, compliance with an order or direction of the Municipality, compliance with conditions of a licence or compliance with an order made under Section 431 of the Municipal Act at any reasonable time.

- 13.2 A Municipal Law Enforcement Officer, employee of the Public Works Department or any person acting under the Officer's instructions may without a warrant enter onto any property for the purpose of undertaking remedial work that has not been completed in accordance with a remedial order issued under this By-law during the hours of one-half hour before sunrise to one-half hour after sunset on any day. Any costs incurred by the Municipality to undertake said remedial work shall be done at the person's expense.
- 13.3 The Officer, Public Works employee or any other person acting under his or her instructions shall not enter any room or place used as a dwelling without the consent of the occupant.
- 13.4 An Officer shall, upon request, show proper identification to the owner or occupier of the property being entered.
4. THAT current Section 13 Short Title and Section 14 Repeals in By-law 122-2018 be renumbered as Sections 14 and 15 respectively due to the addition of Item 3 above into the by-law.
5. THAT this by-law shall come into force and effect on its passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXX, 2020.

Doug Black, Mayor

Stacey Blair, Clerk