



The Municipal Corporation of the Town of Fort Erie

By-law No. 61-2022

Being a By-law to Appoint the Lincoln County Humane Society as the Poundkeeper for the Town of Fort Erie and to Appoint Lincoln County Humane Society Officers as Municipal Law Enforcement Officers (and Repeal By-law No. 106-12)

Whereas subsection 15(1) of the *Police Services Act*, R.S.O. 1990, c.P.15, provides that a municipal council may appoint persons to enforce the by-laws of the municipality; and

Whereas subsection 15(2) of the said *Act* further provides that municipal law enforcement officers are peace officers for the purpose of enforcing municipal by-laws; and

Whereas subsection 1(1) of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, provides that "provincial offences officer" means, *inter alia*, a by-law enforcement officer while in the discharge of his or her duties, and also means an agent of the municipality whose responsibilities including the enforcement of a by-law while in the discharge of his or her duties; and

Whereas The Fort Erie Society for the Prevention of Cruelty to Animals ("Fort Erie SPCA") has provided poundkeeper and animal control services to The Corporation of the Town of Fort Erie ("Town") for a number of years; and

Whereas By-law No. 106-12 passed by the Municipal Council of the Town on October 9, 2012, appointed the Fort Erie SPCA as poundkeeper, appointed certain employees of the Fort Erie SPCA as Municipal Law Enforcement Officers for the purposes of enforcing its animal by-law, and delegated authority to the Clerk of the Town to appoint employees of the Fort Erie SPCA when staffing changes occurred, as Municipal Law Enforcement Officers, for that purpose; and

Whereas the current Agreement entered into between the Town and the Fort Erie SPCA dated May 26, 2019 expires on May 31, 2022; and

Whereas By-law No. 73-2021 was passed by the Municipal Council of the Town to govern the care, licensing and regulating of dogs, cats, and other animals, known as the "Animal By-law"; and

Whereas at the Council-in-Committee meeting held on May 9, 2022, Report No. PDS-26-2022, was considered and approved by the Municipal Council of the Town to accept the proposal by the Lincoln County Humane Society (LCHS), as amended, for animal care and control services in the Town; and

Whereas the Town and LCHS have entered into an Animal Control Services Agreement for the provision of animal control, humane, licensing and poundkeeper services in the Town, effective June 1, 2022; and

Whereas it is deemed desirable to appoint LCHS as poundkeeper for the Town, to appoint specific LCHS employees as Municipal Law Enforcement Officers for the Town, and to delegate authority to the Clerk to appoint other employees of LCHS and revoke the appointment of employees as Municipal Law Enforcement Officers when staffing changes occur;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Lincoln County Humane Society is appointed as the poundkeeper for The Corporation of the Town of Fort Erie for the purpose of carrying out the duties of a poundkeeper to pick up and impound any animal pursuant to Animal By-law No. 73-2021, as amended or replaced from time to time, and any other applicable Town of Fort Erie By-laws or legislation.
2. **That** the following employees of the Lincoln County Humane Society are appointed Municipal Law Enforcement Officers for the purpose of enforcing Animal By-law No. 73-2021, as amended or replaced from time to time, and any other Town of Fort Erie By-laws for licensing and regulating animals and the inspection of pet shops, fosters, kennels, rescue groups and any other entity prescribed by Animal By-law No. 73-2021:

Kevin Strooband
Cortnie Welychka
Todd Menard
Emily MacNeil, and

Johnathan Neudorf
Morgan Smith
Nicholas Plouffe
Maddy Steen

3. **That** the Clerk of the Town is delegated the authority to appoint other employees of the Lincoln County Humane Society as Municipal Law Enforcement Officers for the Town for the purpose of enforcing Animal By-law No. 73-2021, as amended or replaced from time to time, and any other Town of Fort Erie By-laws for licensing and regulating animals and the inspection of pet shops, fosters, kennels, rescue groups and any other entity prescribed by Animal By-law No. 73-2021, and to revoke appointments, when staffing changes occur at the Lincoln County Humane Society.
4. **That** all current appointments of employees of the Fort Erie Society for the Prevention of Cruelty to Animals as Municipal Law Enforcement Officers for the Town, made pursuant to By-law No. 106-12 or otherwise, are revoked.
5. **That** By-law No. 106-12 is repealed.
6. **That** this By-law comes into force and effect on June 1, 2022.

7. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 30th day of May, 2022.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie, certifies the foregoing to be a true copy of By-law No. 61-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of 20
