TOWNSHIP OF RIDEAU LAKES

BY-LAW 2003-108

A By-Law to prohibit the being at large or trespassing of any animal excluding dogs and cats, within the Township of Rideau Lakes.

WHEREAS Section 103-105 of the Municipal Act, S.O. 2001, c. 25 permits Councils by By-Law to prohibit or regulate within any part of the Municipality the being at large or trespassing of animals other than dogs and cats, and to provide for impounding them and for causing them to be sold; and,

WHEREAS Section 103(1) of the Municipal Act, S.O. 2001, c. 25, as amended permits Councils to pass By-Laws for appraising the damages to be paid by owners of animals impounded for trespassing;

NOW THEREFORE The Corporation of the Township of Rideau Lakes, by its Council, hereby enacts as follows:

1. No owner of any animal shall cause or permit any such animal to be at large or trespass within the area of the Township of Rideau Lakes or upon any highway within the Township of Rideau Lakes.

2. This By-Law applies to all animals other than cats and dogs.

3. Any animal, which is found at large or trespassing within any area within the jurisdiction of the Township of Rideau Lakes, including but not limited to any highway within the Township, may be taken into custody and impounded.

4. The By-Law Enforcement Officer, when dealing with a complaint of an animal at large, shall be directed in his actions by the policies, which are attached to and form part of this By-Law.

5. The Pound Keeper shall prepare an appraisal of damages caused by the animal while it was at large or trespassing and these damages shall be paid to the Municipality prior to the release of the animal. Council may exercise its right to make grants in the amount of the damages or parts thereof to those parties who have suffered the damages.

6. The provisions of the Pounds Act, R.S.O. 1990, Chapter P.17, as amended, shall apply to animals impounded pursuant to this By-Law except where those provisions have been modified by this By-Law pursuant to Section 1 of the said Act.

7. Any person who contravenes any provision of this By-Law shall be guilty of an offense and on conviction shall be liable to a penalty not exceeding $5,000.00 exclusive of costs, which shall be recoverable under the Provincial Offences Act, S.O. 2001, c. 25, s. 103(2).

8. This By-Law shall come into force and take effect on the date of its passage.

9. That all previous By-Laws, Motions, Resolutions or Actions of Council that are in contravention of this By-Law are hereby repealed.
   - By-Law 2003-100

Read a first and second time this 18th day of August 2003.

Ronald E. Holman
Reeve

Dianna G. Bresee
Clerk

Read a third time and finally passed this 18th day of August 2003.

Ronald E. Holman
Reeve

Dianna G. Bresee
Clerk

SCHEDULE "A" TO BY-LAW 2003-108

POLICIES FOR THE GUIDANCE OF THE BY-LAW ENFORCEMENT OFFICER

The following steps of progressive enforcement shall be followed by the By-Law enforcement Officer when dealing with a complaint of an animal at large under By-Law 2003-100.

1. For the first incident, the By-Law Enforcement Officer shall provide a verbal warning only and file an incident report with the Clerk.

2. For the second incident, the By-Law Enforcement Officer shall provide a written warning to the person responsible for the animal and provide advice concerning the Line Fences Act and fencing procedures. After the completion of this step, the person responsible for the animal may appeal the actions of the By-Law Enforcement Officer to Township Council.

3. For the third incident, the By-Law Enforcement Officer shall issue a short form ticket with the value of the fine set at $250.00.

4. For the fourth incident, the By-Law Enforcement Officer shall proceed with a long form prosecution, after notice to Council.

5. The foregoing procedures shall be followed at each location where the complaints arise. In addition, the complaints must all occur within a twelve-month period, otherwise the sequence of enforcement will recommence at the first step of enforcement.

6. At all times the By-Law Enforcement Officer shall have due regard for those circumstances which are beyond the control of the person responsible for the animal including but not limited to the actions of the third parties and the availability materials and forces to contain the animal.

7. Where an animal is being driven along or across a highway, in the normal course of animal husbandry, under the control of a responsible person, the By-Law Enforcement Officer shall have due regard for the circumstances with respect to the requirements of animal husbandry and the safety of the public.

8. Where the singular is used in this policy, the plural may also be used.

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

PART 1 *Provincial Offences Act*

By-Law # 2003-108,Animal Control By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (includes costs)
1.	Cause or permit animal to be at large or trespass in the municipality.	Section 1	$ 250.00

NOTE: Penalty provision for the offences indicated above is Section 7 of By-law No. 2003-108, a certified copy which has been filed.

Ministry of the Attorney General

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Ontario

November 25, 2003

The Honourable Bruce MacPhee
Regional Senior Justice, East Region
Ontario Court of Justice (Provincial Division)
5th Floor, 161 Elgin Street
Ottawa, Ontario K2P 2L1

Dear Regional Senior Justice MacPhee:

Re: Township of Rideau Lakes, Leeds and Grenville Counties
Set Fine Application
Part I *Provincial Offences Act*
By-law No. 2003-108: Animal Control

Please find enclosed one (1) set fine application submitted by Dianna Bresee, Clerk, on behalf of the Township of Rideau Lakes.

I have reviewed this application and I am content that it is complete and in order. I am forwarding it to Your Honour with a recommendation for its approval.

Should you have any questions, please do not hesitate to contact me.

Yours truly,

Kerry Lee Thompson

Kerry Lee Thompson
Crown Counsel
/da

Encls.

c.c. Dianna Bresee