

**THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF
MCMURRICH/MONTEITH BY-LAW #31-2023**

Being a By-Law to Regulate or Prohibit the Being at Large
or Trespassing of Animals other than Dogs Within the
Township of McMurrich/Monteith

WHEREAS Section 11 (3)-(9) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, permits municipalities to pass by-laws subject to the rules set out in (4), respecting matters within the following spheres of justice; (9) Animals, and

AND WHEREAS Section 103 (1) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended, permits municipalities to provide for the seizure and impounding of animals found at large or trespassing contrary to this by-law and the sale of impounded animals, and

AND WHEREAS it is deemed expedient that such a by-law be passed.

NOW THEREFORE the Council of The Municipal Corporation of The Township of McMurrich/Monteith enacts as follows:

SECTION 1 - DEFINITIONS

- (a) "Animal" means any member of the animal kingdom, other than human.
- (b) "Animal Control Officer" includes any person so designated by Council to administer this by-law.
- (c) "Council" shall mean the Council of the Municipal Corporation of The Township of McMurrich/Monteith.
- (d) "Highway" means a common and public highway, and includes a street and a bridge trestle, viaduct or other structure forming part of a highway and except as otherwise provided, includes a portion of a highway.
- (e) "In Charge" means having care and control of or responsibility for (something).
- (f) "Municipality" means The Municipal Corporation of The Township of McMurrich/Monteith.
- (g) "Owner" shall mean and include any person who possesses or shelters an animal and "owns" or "owned" have a corresponding meaning.
- (h) "Permit" means to allow (something) to happen.
- (g) "Pound or Shelter" means premises that are used for the detention, maintenance or disposal of animals that have been impounded pursuant to this by-law.
- (h) "Running at Large" shall mean being found in any place other than the premise of the owner and not under the physical control of any person.

- (i) "Trespass" means to enter wrongfully or without proper authority or consent upon public or private property.
- (h) "Unattended" means not watched or looked after, lacking a guard, escort, caretaker, etc.

SECTION 2 - SCOPE:

- 2.1 No owner or person in charge of cattle, horses, livestock or animal(s) shall permit such animal(s) to run at large or trespass upon a highway.
- 2.2 No owner or person in charge of cattle, horses, livestock or animal(s) shall permit such animal(s) to trespass upon public or private property
- 2.3 The provisions of the *Pounds Act, R.S.O., 1990, c. P. 17*, shall apply to the Municipality.
- 2.4 Every owner or person in charge of cattle, horses, livestock or animal(s) shall be required to erect and/or maintain a fence in accordance with good fencing techniques and such fence shall be adequate enough to contain such cattle, horses, livestock or animal(s) within the fenced area, yard, field or pasture. Notwithstanding the generality of the foregoing, an electric barrier or electric fence is electrified by a constant source of power.
- 2.5 Every fenced area, yard, field or pasture shall include a gate or gates comprising of a swinging or sliding barrier used to fill or close an access and such gate or gates shall be closed at all times, except for the purpose of moving cattle, horses, livestock or animal(s) under the direction of the owner or person in charge.

SECTION 3 - ANIMAL CONTROL OFFICER:

- 3.1 The Animal Control Officer or property owner (resident) may seize and impound any animal found running at large or trespassing within the Township of McMurrich/Monteith pursuant to the provisions of *Pounds Act, R.S.O., 1990, c. P. 17*.
- 3.2 This by-law shall be enforced by the Animal Control Officer, By-law Enforcement Officer or by any Police Officer.

SECTION 4 - PENALTIES:

- 4.1 Any person who contravenes any provision of this by-law is guilty of an offense and upon conviction is liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act.

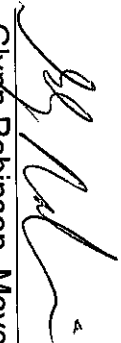
SECTION 5 - SEVERABILITY

- 5.1 That all sections of this by-law shall be deemed to be separate and independent, the validity of any section or provision thereof shall not affect the remaining sections.

SECTION 6 – ENACTMENT AND REPEAL

6.1 This By-law shall take effect upon its passing.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council
this 7th day of November, 2023.



Glyn Robinson, Mayor



Cheryl Marshall, Clerk/Treasurer

THE CORPORATION OF THE TOWNSHIP OF McMURRICH/MONTEITH

BY-LAW #31-2023

Being a By-Law to Regulate or Prohibit the Being at Large
or Trespassing of Animals Other Than Dogs Within
the Township of McMurrich/Monteith

PART 1 – PROVINCIAL OFFENCES ACT

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permit animal(s) to run at large or trespass upon a highway	Sec. 2.1	\$300.00
2	Permit animal(s) to run at large or trespass upon a public or private property	Sec. 2.2	\$300.00
3	Failure to erect and/or maintain a fence	Sec. 2.4	\$300.00

Richo

Note: The penalty provision for the offences indicated above is Section 4.1 of
By-Law 31-2023,
a certified copy of which has been filed, and section 61 of the Provincial Offences Act,
R.S.O. 1990, c. P. 33, as amended.