

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #22-2018

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

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 Armour 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 Armour.
- (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 Armour.
- (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 Armour 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 8th day of May, 2018.

Original signed by Bob MacPhail

Robert MacPhail, Reeve

Original signed by John Theriault

John Theriault, Clerk

Township of Armour

Part I Provincial Offences Act

By-law #22-2018: Animal(s)-at-Large By-law

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Permit animal(s) to run at large or trespass upon a highway	s. 2.1	\$300.00
2.	Permit animal(s) to run at large or trespass upon a public or private property	s. 2.2	\$300.00
3.	Failure to erect and/or maintain a fence	s. 2.4	\$300.00

NOTE: The penalty provision for the offence listed above is Section 4.1 of By-law #22-2018, and section 61 of the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, a certified copy of which has been filed.

SCHEDULE "J"
To BY-LAW #24-2025

By-law No. 22-2018 being a By-law to Regulate or Prohibit the Being at Large or Trespassing of Animals other than Dogs Within the Township of Armour is hereby amended as follows:

1. by adding the following definitions to section 1:

"AMPS By-law" shall mean the Administrative Monetary Penalties System Respecting Non-Parking Violations By-law as amended or any successor thereto;

"Penalty Notice" means a notice issued pursuant to the Town's AMPS By-law;
2. by adding the following new heading and sections after section 4 and renumbering subsequent sections accordingly:

5. ADMINISTRATIVE PENALTIES

- 5.1 This By-law is a designated By-law under the Township's AMPS By-Law.
- 5.2 An Officer who is satisfied that a person has contravened any provision of this By-law, which includes without limitation any requirement or condition of a licence, permit, order or direction, may issue a Penalty Notice to the person for each contravention in the amount set out in Column 3 of the following table for the applicable contravention:

ADMINISTRATIVE MONETARY PENALTIES

BY-LAW # 22-2018

Animal(s)-at-Large By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Administrative Monetary Penalty
1	Permit animal(s) to run at large or trespass upon a highway	s. 2.1	\$300.00
2	Permit animal(s) to run at large or trespass upon a public or private property	s. 2.2	\$300.00
3	Failure to erect and/or maintain a fence	s. 2.4	\$300.00

- 5.3 Each person who has been issued a Penalty Notice shall, be liable to pay the administrative penalty set out in the Penalty Notice to the Township within 15 days of the date of issuance after the completion of service.
- 5.4 Where a Penalty Notice has been canceled under the Township's AMPS By-law it shall not be considered a Penalty Notice for the purposes of subsection 5.2 of this By-law.
- 5.5 If a person is issued a Penalty Notice, the person shall not be charged with an offence or issued an additional Penalty Notice in respect of the same contravention. For clarity, the person may be charged for a different contravention of this By-law, a repetition of a contravention, or in the case of a continuing contravention, a continuation of the contravention after the date in the Penalty Notice. Likewise, a person may be issued a Penalty Notice for a different contravention of this By-law, a repetition of a contravention, or in the case of a continuing

contravention, a continuation of the contravention after the date(s) of the offence set out in any charges or the contravention set out in the Penalty Notices that have been issued.

- 5.6 Other than as set out in subsection 5.5 of this By-law, the issuing of a Penalty Notice does not limit the Township's ability to initiate any other proceeding or seek any other remedy the Township deems appropriate to prevent the continuation or repetition of the contravention.