

**THE CORPORATION OF THE TOWNSHIP OF STONE MILLS**

**BEING A BY-LAW TO PROHIBIT THE BEING AT LARGE OR TRESPASSING OF ANY ANIMAL EXCLUDING DOGS AND CATS, WITHIN THE TOWNSHIP OF STONE MILLS.**

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WHEREAS Section 103 (1) of the Municipal Act 2002 – 2003, 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 (2) of the Municipal Act 2002 – 2003, allows for the fine to be recoverable under the Provincial Offences Act under clause (1) (c);

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF STONE MILLS 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 Stone Mills or upon any highway within the Township of Stone Mills.
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 Stone Mills, 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 appraisals 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 Section 1 of the said Act.
7. Any person who contravenes any provision of this by-law shall be guilty of an offence and upon conviction shall be liable to a penalty as provide for in the Provincial Offences Act.
8. This by-law shall cone into force and take effect on the date of it's passage.

Read a first and second time this sixteenth day of August, 2004.

Read a third time and finally passed this sixteenth day of August, 2004.

## **SCHEDULE A TO BY-LAW 2004 - 257**

### **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 the by-law 2004 – 257.

1. For the first 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 the C.A.O./Clerk.
2. For the second incident, the By-law Enforcement Officer shall issue a short form ticket with the value of the fine set at \$250.00.
3. For the third incident, the By-law Enforcement Officer shall proceed with a long form prosecution, after notice to the C.A.O./Clerk.
4. 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 will recommence at the first step of enforcement.
5. 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.
6. 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.
7. Where the singular is used in this policy, the plural may also be used.