

**BY-LAW NO. 02-13**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW**

**WHEREAS** Section 4 of the Municipal Act, R.S.O. 1990 c. M45, as amended, empowers the councils of the local municipalities to pass by-laws control animals, other than dogs, being at large or trespassing and to provide for impounding them.

**AND WHEREAS** the Council of The Corporation of the Township of Clearview deems it necessary and expedient to pass such a by-law.

**NOW THEREFORE BE IT RESOLVED THAT:**

**1. INTRODUCTION**

1.1 Title and Scope

1.1.1 This is a By-law to regulate activities that substantially interfere with other people's enjoyment or use of their own property. This by-law will be known as the "**Animals at Large By-law**" for the Corporation of the Township of Clearview.

1.2 Validity and Severability

1.2.1 Should any section, sub-section, clause, paragraph, or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability or any other provisions of this By-law or the By-law as a whole.

1.3 Interpretation

1.3.1 Words used in the singular shall have corresponding meanings when used in the plural.

1.3.2 "May" shall be construed as permissive.

1.3.3 "Shall" shall be construed as imperative.

1.4 Force and Effect

1.4.1 This By-law shall come into force and take effect on the day that it receives the approval of the Council of the Township of Clearview.

## **2. DEFINITIONS**

For the purposes of this By-law, the following words shall have the meaning ascribed herein:

- 2.1 “**Animal**” includes cattle, goats, swine, horses, rabbits, mink, foxes, reptiles, domestic fowl and other animals.
- 2.2 “**Council**” means the Council of the Corporation of the Township of Clearview
- 2.3 “**Owner**” includes: an assessed owner, tenant, occupant or any person having an interest, whether equitable or legal, in the land.
- 2.4 “**Person**” means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to who the context can apply according to the By-law.
- 2.5 “**Running at large**” means found at a place other than the premises of the owner of the animal and not under the control of any person”
- 2.6 “**Trespassing**” means being on private property or running at large on property owned by the Township of Clearview without permission of the owner of the private property where the animal is found.
- 2.7 “**Township**” means the Corporation of the Township of Clearview”.
- 2.8 “**Zoning By-law**” means the prevailing Zoning By-law(s) in force and effect in the Township of Clearview.

## **3.0 OFFENCES**

- 3.1 No owner or person in charge of any animal shall permit said animal to run at large.
- 3.2 No owner or person in charge of any animal shall permit said animal to trespass.

## **4. ADMINISTRATION, ENFORCEMENT AND INSPECTION:**

- 4.1 This By-law shall be administered by the Municipal Law Enforcement Officer(s) of the Township or such other person or persons as Council may, by by-law, appoint and all such persons shall be considered inspectors under the terms of the By-law.
- 4.2 This By-law shall be enforced by the Municipal Law Enforcement Officer(s) or such other person or persons as the Council may by by-law appoint under this By-law.
- 4.3 Any Municipal Law Enforcement Officer may enter on any property at any reasonable time for the purpose of enforcing this By-law

## **5. PENALTY**

- 5.0 Every person who contravenes Section 3(1) or 3(2) of this By-law

is guilty of an offence and, upon conviction, is liable for a fine:

- (a) for a first offence, not less than \$500 and to not more than \$5000;
- (b) on the second or any subsequent offence, of not less than \$1000 and not more than \$5000. And
- (c) should the maximum fine under the Provincial Offences Act be raised subsequent to the date of passage of this by-law, to a fine of up to such amount.

**6. CONTINUING OFFENCE**

- 6.1 Each day that a situation as described in Sections 3.1 or 3.3 of this By-law is allowed to continue shall constitute a separate offence under this By-law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

**7.0 CORPORATIONS**

- 7.1 Every person and an officer director, employee or agent of a corporation charged with committing an offence under this By-law is a party to the offence who;
- (a) actually commits it; or
  - (b) Does or omits to do anything for the purposes of aiding any person to commit it, or
  - (c) Abets any person in committing it. Where two or more persons form an intention in common to carry out an unlawful purpose, and to assist each other therein, each of those who knew or ought to have known that the commission of an offence under this By-law would be a probable consequence of carrying out the common purpose is a party to the offence.

BY-LAW NUMBER 02-13 read a first, second and third time and finally passed this

2<sup>nd</sup> day of April, 2002.

Original signed by:  
Mayor  
Clerk

Schedule "A"

Township of Clearview      By-law No. 02-13      A By-law prohibiting allowing animals to run at large

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
	Description of Offence	Provision Creating or Defining Offence	Set Fine
1	Owner/Person permit animal to run at large (To wit: )	Section 3.1	\$50.00
2	Owner/Person permit animal to trespass (To wit: )	Section 3.2	\$50.00

Note: The penalty provision for the offences listed above is Section 7 of By-law No. 02-13, a certified copy of which has been filed.

4/3/2002

Draft Only

Animals at Large By-law