

THE MUNICIPALITY OF MAGNETAWAN
BY-LAW No. 2020- 4 |

**BEING A BY-LAW TO REGULATE OR PROHIBIT THE BEING
AT LARGE OR TRESPASSING OF ANIMALS OTHER THAN DOGS INCLUDING FOWL**

AND WHEREAS Section 11. (3) (9). of the *Municipal Act, 2001, S. O. 2001, c. 25*, as amended, a By-law may be passed by Council subject to the rules set out in subsection (4), respecting matters within the following spheres of justice. (9) animals.

AND WHEREAS Section 103. (1) of the *Municipal Act, 2001, S. O. 2001, c. 25*, as amended, a By-law may be passed by Council regulating or prohibiting the being at large or trespassing of animals:

- a. The seizure and impounding of animals being at large or trespassing contrary to the Bylaw
- b. The sale of impounded animals

AND WHEREAS The *Municipal Act, 2001, S.O. c. 25*, Section 10(2) authorizes the Council of a municipality to pass By-laws respecting health, safety, and well-being of person(s)

AND WHEREAS The *Municipal Act, 2001, S.O. c.25*, Section 391(1) authorizes the Council of a municipality to impose fee and charges for services provided.

BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. **THAT** this By-law may be cited as "Municipality of Magnetawan Animal at large By-law".
2. **DEFINITIONS:**
 - a. "**Animal(s)**" shall mean any member of the animal kingdom, other than human. Including but not limited to cattle, horses, livestock, fowl, and poultry.
 - b. "**Bridge**" means a public bridge, and includes a bridge forming part of a highway or on over or across which a highway passes.
 - c. "**By-Law Enforcement Officer**" includes any person so designated by Council to administer and enforce this by-law.
 - d. "**Council**" shall mean the Council of the Municipality of Magnetawan.
 - e. "**Highway**" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, road allowance any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
 - f. "**Owner**" shall mean any person including the tenant or occupant of land or premise who possesses or harbours an animal and/or where the owner is a minor, the person responsible for the custody of the minor. Owns or owned have a corresponding meaning.
 - g. "**Municipality**" shall mean Municipality of Magnetawan.
 - h. "**Running at large**" shall mean any animal or animals on a highway or bridge, or public or private property other than the owners, when unattended by a competent person or persons.
 - i. "**Trespass**" shall mean to enter wrongfully or without proper authority or consent upon the real property of another.
 - j. "**Unattended**" shall mean not watched or looked after. Lacking a guard, escort, caretaker, etc.

3. SCOPE

- a. No owner or person in charge of animal or animals shall permit such animal or animals to run at large or trespass upon a highway.
- b. No owner or person in charge of animal or animals shall permit such animal or animals to trespass upon public or private property.
- c. No owner or person in charge of an animal or animals shall permit such animal or animals to trespass upon Municipality property including but not limited to parks and beaches without the written permission of the Municipality.
- d. All of the provisions of the *Pounds Act, R. S. O. 1990, c.P.17*, shall apply.
- e. Every owner or person in charge of animal or animals shall be required to erect and maintain a fence in accordance with good fencing techniques and such fence shall be adequate enough to contain such cattle, horses, livestock or animal or animals within the fenced area, yard, field or pasture.
Notwithstanding the generality of the foregoing, an electric barrier or electric fence may be used provided such barrier or fence is electrified by a constant source of power.
- f. Each 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 the cattle, horses, livestock, or animal or animals under the direction of the owner.

4. PENALTY

- a. Every person who is guilty of an offence under this By-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "A" of this By-law.
- b. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine, to a maximum of \$5,000 (five thousand dollars) for each offence exclusive of the costs, as prescribed by the *Provincial Offences Act, R.S.O. 1190, c.P.33*, as amended.
- c. In accordance with section 441.1 of the *Municipal Act, 2001* any part of a fine owing pursuant to this By-law or a related provincial offence may be added to the tax roll for any property in the Municipality for which all of the owners are responsible for paying the fine, and collect such fine in the same manner as municipal taxes.

5. SEVERABILITY

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

6. REPEAL

By-law No. 2018-61 and By-law No. 2020- 47 is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 4th day of November 2020.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**




Mayor

CAO/Clerk

**THE MUNICIPALITY OF MAGNETAWAN
BY-LAW No. 2020- 41 ANIMALS AT LARGE**

**SCHEDULE "A"
SET FINE AMOUNTS**
Provincial Offences Act-Part I

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Permit animal to run at large or trespass upon a highway.	3.a	\$300.00
2	Permit animal to trespass upon public or private property.	3.b	\$300.00
3	Permit animal to trespass upon Municipality property without written permission.	3.c	\$300.00
4	Fail to erect and maintain a fence.	3.e	\$300.00
5	Fail to close gate.	3.f	\$300.00



NOTE: The general provision for the offences listed above is section 4(b) of By-law No. 2020- 41 a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR
JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

November 6, 2020

Ms. Laura Brandt, Acting Deputy Clerk
P.O. Box 70
Magnetawan, ON
P0A 1P0

Dear Ms. Brandt;

Re: Set Fines – Provincial Offences Act
Part I – Municipality of Magnetawan, Parry Sound District

Enclosed herewith is an original Order and an original schedule of set fines for By-law No. 2020-41, the By-law indicated in the schedule. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Municipality of Magnetawan.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Parry Sound, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink, appearing to read 'P. Boucher'.

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

PJB/hrd

Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace
Her Worship Cornelia Mews, Justice of the Peace

OFFICE OF THE REGIONAL SENIOR
JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

November 6, 2020

Ms. Devyani Anandjit
Crown Law Office, Criminal
720 Bay Street, 10th floor
Toronto, Ontario
M5G 2S9

Dear Ms. Anandjit:

RE: Set Fines - Provincial Offences Act
Part I, Municipality of Magnetawan, Parry Sound District

Please find enclosed a copy of an Order dated November 6, 2020, and a copy of a letter to Ms. Laura Brandt, Acting Deputy Clerk.

Should you have any questions, please do not hesitate to contact me at (705) 564-7624.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Patrick Boucher'.

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

PJB/hrd

Encl.

OFFICE OF THE REGIONAL SENIOR
JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2020-41, of Municipality of Magnetawan, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect November 20th, 2020.

Dated at the City of Greater Sudbury, this 6th day of November, 2020.

A handwritten signature in blue ink, appearing to read 'Patrick Boucher', written over a horizontal line.

PATRICK BOUCHER
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE