

Third Reading

No 19-11

Council of the Corporation of the Township of Wollaston session April 26, 2011.
Moved by Maryann Post Seconded by Bert Godwin
That a by-law to enact the prohibition of the running at large or trespassing of
livestock and other animals

As reported by the committee of the Whole be read a third time, passed and
numbered 19-11 and that said by-law be signed by the Reeve and Clerk, sealed
with the seal of the Corporation, and be engrossed in the by-law book.

Carried,

Don McCow

Second Reading

No 19-11

Council of the Corporation of the Township of Wollaston Session, April 26, 2011
Moved by Rebecca Smith Seconded by Maryann Post
A by-law to That a by-law to enact the prohibition of the running at large or
trespassing of livestock and other animals

Carried,

Don McCow

First Reading

19-11

Council of the Corporation of the Township of Wollaston Session April 26, 2011
Moved by Bert Godwin Seconded by Rebecca Smith
A by-law to That a by-law to enact the prohibition of the running at large or
trespassing of livestock and other animals

Carried Don McCow

The Corporation of the Township of Wollaston

By-Law 19-11

Being a by-law to enact the prohibition of the running at large or trespassing of livestock and other animals.


1. **THEREFORE** the owner of any cattle, goat, horse, sheep or swine running at large contrary to section 3 of the Pounds Act is liable in damages for all injuries committed by such animals or animals, and also is guilty of an offence and on conviction is liable to a fine of not more than \$300.00. R.S.O. 1990, c. P.17, s.4.

2. **AND THEREFORE** the fines are outlined in Schedule "A" attached.

All By-laws or parts of By-Laws heretofore passed inconsistent with the provisions hereof and respecting the running of livestock at large are hereby repealed.

Read a first, second and third time and finally passed this 26th day of April, 2011.

Passed, sealed, numbered and entered into the by-law book.


Dan McCaw, Reeve


Christine FitzSimons, CAO/Clerk

The Corporation of the Township of Wollaston

By-Law 19-11

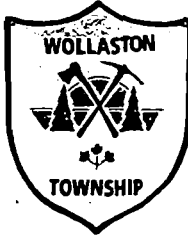
Schedule A

Drafted April 14, 2011

Provincial Offences Act Title: Livestock Trespass By-Law

Item	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Provision Creating or Defining Offence	<u>Column 3</u> Set Fines
1.	Livestock running at large	Pounds Act R.S.O. 1990, c.P17, s.4	\$250.00

Note: The penalty provisions for the offence indicated above is Section 2 of By-Law 19-11, a certified copy of which has been filed.



CAO/Clerk
P.O. Box 99
Coe Hill, ON K0L 1P0
Tel: 613.337.5731
Fax: 613.337.5789
Email: wollaston@bellnet.ca

WOLLASTON TOWNSHIP

April 27, 2011

Ministry of the Attorney General
Crown Law Office – Criminal
9th Floor
720 Bay St.
Toronto, ON M5G 2K1

Attn: Crown Counsel

Re: Township of Wollaston – Set Fine Order (NEW BY-LAWS)
Livestock Trespass By-Law 19-11

The Council of the Township of Wollaston met on Tuesday April 26, 2011 and passed the attached By-Law, including a set fine in regards to livestock trespass.

Council has requested that I forward this to your office to begin the process of having the By-Law and set fines and short form wording approved to enable us to issue tickets and collect fines under the Provincial Offences Act.

I trust that everything is in order however if there is anything further that you require please do not hesitate to contact me.

Regards,

Christine FitzSimons
CAO/Clerk





Français

Pounds Act

R.S.O. 1990, CHAPTER P.17

Consolidation Period: From January 1, 2007 to the e-Laws currency date.

Last amendment: 2006, c.32, Sched.C, s.50.

Scope of Act

1. This Act is in force in every local municipality but the local municipality may by by-law passed under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, vary its application. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 50.

Liability of owners and others for damage done

2. The owner or occupant of any land is responsible for any damage caused by any animal under the person's charge and keeping as though such animal were the person's own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality is liable for any damage done by such animal, although the fence enclosing the premises of the complainant was not of the height required by such by-laws. R.S.O. 1990, c. P.17, s. 2.

Animals not to run at large

3. No cattle, goat, horse, sheep or swine shall be allowed to run at large in any part of a territorial district not included in an organized municipality. R.S.O. 1990, c. P.17, s. 3; 1999, c. 12, Sched. A, s. 21.

4 **Owner of animal liable for damages and fine**

4. The owner of any cattle, goat, horse, sheep or swine running at large contrary to section 3 is liable in damages for all injuries committed by such animal or animals, and also is guilty of an offence and on conviction is liable to a fine of not more than \$300. R.S.O. 1990, c. P.17, s. 4.

What animals to be impounded

5.(1) If not previously replevied, the poundkeeper shall impound any horse, bull, ox, cow, sheep, goat, pig or other cattle, geese or other poultry, distrained for unlawfully running at large or for trespassing and doing damage, delivered to him or her for that purpose by any person resident in the poundkeeper's division who has distrained the same.

Poultry

(2) If the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on the premises of the owner's neighbour after a notice in writing has been served upon the owner of their trespass, the owner is guilty of an offence and on conviction is liable to a fine of not more than \$10. R.S.O. 1990, c. P.17, s. 5.

Notice to clerk as to animals impounded

THE HONOURABLE JUDITH C. BEAMAN
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO K2P 2L1



L'HONORABLE JUDITH C. BEAMAN
JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

161, RUE ELGIN, 6^{ÈME} ÉTAGE
OTTAWA (ONTARIO) K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1372
FAX/TÉLÉCOPIEUR (613) 239-1572

May 16th, 2011

Wollaston Township
P.O. Box 99
Coe Hill, Ontario
K0L 1P0

Attention: Ms Christine Fitzsimmons

Dear Ms Fitzsimmons,


Re: *Set Fines – Provincial Offences Act – Part I*
By law No. 19-11: Livestock Trespass

Enclosed herewith is an original Order dated May 16th, 2011 and original schedule of set fines for By-Law No. 19-11, the By-law indicated in the schedule.

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

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Wollaston.

Yours truly,



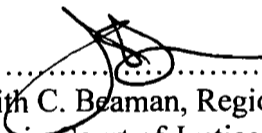
Judith C. Beaman
Regional Senior Justice
East Region
Enclosures

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. 19-11 of the Township of Wollaston, Hastings County, attached hereto is the set fine for that offence. This Order is to take effect on May 16th, 2011

Dated at Ottawa this 16th day of May 2011.


.....
Judith C. Beaman, Regional Senior Justice
Ontario Court of Justice
East Region