

**THE CORPORATION OF
THE TOWNSHIP OF BONNECHERE VALLEY
BY-LAW NO. 2017-044
BEING A BY-LAW REQUIRING THE FENCING OF LIVESTOCK**

WHEREAS Subsection 11(3) of the *Municipal Act, 2001*, as amended, authorizes the council of every local municipality to enact by-laws respecting fences;

AND WHEREAS Subsection 8(3) of the same Act authorizes a council, in a by-law enacted under section 11, to require persons to do things;

AND WHEREAS Sections 445 and 446 of the same Act authorize a municipality, if satisfied that a person has contravened a by-law enacted under section 11 by failing to do something that he or she is required to do, to enter that person's property to do work to correct the contravention at that person's expense;

AND WHEREAS it is deemed expedient that the Council of the Corporation of the Township of Bonnechere Valley deal with the issue of livestock that are trespassing on other properties;

NOW THEREFORE the Council of the Township of Bonnechere Valley enacts as follows:

1.0 Short Title

1.1 This by-law may be cited as the "Fencing of Livestock Bylaw".

2.0 Definitions

2.1 In this by-law,

"**fence**" means a barrier forming a boundary to or enclosing an area of land;

"**livestock**" means goats, cattle, horses, sheep, swine, and other similar animals;

"**municipality**" means the Corporation of the Township of Bonnechere Valley;

"**owner**" means the individual, firm or corporation that is the registered owner of a property, and includes a lessee, tenant, mortgagee in possession, and the person or persons in occupation of or in charge of the land;

"**perimeter fence**" means a fence with gates, where necessary, that is located on the outer boundaries of a property and that encloses a property in its entirety;

"**Peace Officer**" shall mean any person appointed by the Council of the municipality to enforce its By-laws and Regulations and any Police Officer as defined under the *Police Services Act*.

3.0 Application

3.1 The requirements of this by-law apply to all properties within the geographic limits of the Township of Bonnechere Valley, except where otherwise provided.

4.0 Construction and Maintenance

4.1 Every owner on whose property livestock are being kept shall construct a perimeter fence or other interior enclosure or enclosures which are suitable and sufficient for preventing the livestock from leaving the property at any time and, further thereto, such owner shall keep the said perimeter fence or other interior enclosure or enclosures in a good state of repair.

5.0 Inspection – Right of Entry

5.1 A Municipal By-law Enforcement Officer or other Peace Officer as appointed by the Township of Bonnechere Valley may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the provisions in this by-law are being complied with.

6.0 Work Order

- 6.1 Where a Municipal By-law Enforcement Officer or other Peace Officer as appointed by the Township of Bonnechere Valley has reasonable grounds to believe that an owner on whose property livestock are being kept is in contravention of Section 4, the Officer may issue an order to remedy such contravention.
- 6.2 An order under section 6.1 shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred, and
 - (b) the work to be done and the date by which the work must be done.
- 6.3. An order under section 6.1 may be served by registered mail or by personal service.
- 6.4. An order under section 6.1 may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

7.0 Enforcement

- 7.1 If the owner fails to complete the work set forth in an order issued pursuant to section 6 above on or before any date specified therein, the municipality may enter upon the property at any reasonable time for the purposes of completion of the works required by the said order.
- 7.2 The municipality may recover the costs of completing works pursuant to section 7.1 by adding these costs to the tax roll accruing to the property in question and thereafter collecting those costs from any defaulting property owner in the same manner as property taxes.
- 7.3. Every person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act* and to any other applicable penalties.
- 7.4. For greater certainty, when a person has been convicted of an offence under this by-law,
- (a) the Ontario Court of Justice, or
 - (b) any court of competent jurisdiction thereafter may, in addition to any penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

8.0 By-law Coming Into Effect

READ A FIRST & SECOND TIME THIS 3RD DAY OF OCTOBER 2017

READ A THIRD TIME AND PASSED THIS 3RD DAY OF OCTOBER 2017

Jennifer Murphy, Mayor

Bryan Martin, CAO