

**MUNICIPALITY OF THE TOWNSHIP OF GILLIES
BY-LAW NO. 525**

Being a by-law to establish fees related to enforcing the Pounds Act

WHEREAS the Pounds Act, R.S.O. 1990, as amended in 1999, is in force in every local municipality but the local municipality may by by-law passed under the Municipal Act, 2001 vary its application;

AND WHEREAS the Pounds Act states that 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, Pounds Act, R.S.O. 1990, c. P.17, s. 3; 1999, c. 12, Sched. A, s. 21;

AND WHEREAS 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, Pounds Act, R.S.O. 1990, c. P.17, s. 5.1

AND WHEREAS every poundkeeper and every person who impounds or confines, or causes to be impounded or confined, an animal in a common pound or in an open or close pound, or in an enclosed place, shall daily furnish the animal with good and sufficient food, water and shelter during the whole time that it continues impounded or confined, Pounds Act, R.S.O. 1990, c. P.17, s. 13.

AND WHEREAS every such person who furnishes an animal with food, water and shelter may recover the value thereof from the owner of the animal and also a reasonable allowance for the person's time, trouble and attendance in the premises, Pounds Act, R.S.O. 1990, c. P.17, s. 14.1.

AND WHEREAS such value and allowance may be recovered with costs by summary proceeding before the Ontario Court (Provincial Division) in like manner as fines, penalties or forfeitures for the breach of a by-law of the municipality in which the animal was impounded may by law be recovered and enforced by the court, and the court shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as possible, to the tariff of poundkeeper's fees and charges established by the by-laws of the municipality, Pounds Act, R.S.O. 1990, c. P.17, s. 14.

NOW THEREFORE the Township of Gillies enacts as follows:

Definitions:

“Township” or “Municipality” means the Township of Gillies

“Poundkeeper” means the person or persons appointed by the Township for the purpose of enforcing the Pounds Act under this by-law.

“Pounds Act” means the Pounds Act, R.S.O. 1990, as amended

“Owner” means includes any person who is responsible for, possesses, or harbours cattle, goats, horses, sheep, swine, and poultry. Where the owner is a minor, “owner” includes the person responsible for the custody of the minor.

1. The owner of any cattle, goats, horses, sheep, or swine running at large contrary to the Pounds Act, 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 for a fine of \$100

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 \$10
3. The poundkeeper shall daily furnish any impounded animal with good and sufficient food, water and shelter during the whole time that it continues to be impounded or confined
4. Every such person who furnishes an animal that has been impounded under the authority of the Pounds Act and this by-law with food, water and shelter may recover \$4.00 daily from the owner of the animal
5. All other provisions of the Pounds Act, in conjunction with this by-law, shall be applied under the authority of the poundkeeper
6. By-law #266, being a by-law relating to the Pounds Act, is hereby repealed

READ A FIRST, SECOND AND A THIRD TIME AND FINALLY PASSED THIS
09th Day of September 2004.

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REEVE

CLERK