

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2011-77

BY-LAW TO PROHIBIT THE ABANDONMENT OR DISPOSAL OF ANIMALS ON LANDS AND PREMISES LOCATED WITHIN THE TOWN OF AMHERSTBURG

WHEREAS Sections 9, 10 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25 (the "Act") provides that a municipality may pass by-laws respecting Animals;

AND WHEREAS The Corporation of the Town of Amherstburg (the "Town of Amherstburg") deems that the abandonment or, disposal of animals on lands and premises, including those owned by the Town of Amherstburg, within the Town of Amherstburg represents an undue burden on property owners and the municipality and adversely affects the health, safety and well-being of the residents of the Town of Amherstburg;

AND WHEREAS Council of the Town of Amherstburg deems it desirable to prohibit the abandonment or disposal of animals on lands and premises, including those lands and premises owned by the Town of Amherstburg, within the Town of Amherstburg;

AND WHEREAS Council for the Town of Amherstburg deems it desirable to adopt By-law No. 2011- to prohibit the abandonment or disposal on lands and premises, including those owned by the Town of Amherstburg, within the Town of Amherstburg;

NOW THEREFORE the Corporation of the Town of Amherstburg enacts as follow:

1. SHORT TITLE

1.1 This By-law may be cited as the "Anti-Abandonment By-law.

2. SCOPE OF BY-LAW

2.1 This By-law applies throughout the Town of Amherstburg.

3. DEFINITIONS AND INTERPRETATION

In this By-law and for the purposes of this By-law:

"Abandon" means the surrender, relinquishment or cessation of control of an animal by an individual who previously had control of the animal with the intention of not reclaiming control of the animal and shall be deemed to have occurred where an animal is located on lands and premises not owned or leased by that individual;

"Animal" means a living member or members of the animal kingdom other than a human;

"By-law Enforcement Officer" means a person appointed by Council to enforce the by-laws of the Town of Amherstburg;

"Corporation" means the Corporation of the Town of Amherstburg;

"Council" means the Council for the Corporation of the Town of Amherstburg;

"Dispose" means the act by a person of throwing away or getting rid of an animal or animals on lands and premises not owned or leased by that person and shall be deemed to have occurred where an animal is thrown, placed, deposited, ejected from a motor vehicle or caused to be thrown, placed, deposited, ejected from a motor vehicle;

"Licence Plate" means the numbered plate issued by the Ministry of Transportation or other regulatory authority if the vehicle is registered outside of the Province of Ontario, and required to be affixed to and displayed by the Motor Vehicle;

“Motor Vehicle” includes an automobile or any other device for the transportation of persons or goods propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act (Ontario)* as amended and any regulations thereunder.

“Motor Vehicle Owner” means the person registered as the owner of a motor vehicle with the Ontario Ministry of Transportation or any other regulatory authority if the vehicle is registered outside the Province of the Ontario, and shall also mean and include the owner of the Licence Plate affixed to and displayed by the Motor Vehicle;

“Person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent and the heirs, executors or legal representatives of the person to whom the context can apply according to law;

4. ABANDONMENT OR DISPOSAL OF AN ANIMAL

- 4.1 No person shall abandon or dispose of an animal within the Town of Amherstburg.
- 4.2 Where a motor vehicle is used for the purpose of abandoning or disposing of an animal in contravention of this By-law, the Motor Vehicle Owner commits an offence contrary to subsection 4.01 of this By-law by directing, authorizing, consenting to, acquiescing in or participating in the use of the Motor Vehicle by the person committing the offence.

5. DUE DILIGENCE

- 5.1 No person shall be convicted of an offence under this By-law if the person establishes that the person exercised all due diligence to prevent the commission of the offence; or the person proves that the animal was present on the lands and premises with the prior, written consent of the owner or tenant of the lands and premises.

6. REPORTING OF ABANDONMENT OR DISPOSAL

- 6.1 A person who has reason to believe that an animal has been abandoned or disposed of in contravention of the provisions of this By-law shall report the particulars of the contravention to the By-law Enforcement Officer during regular business hours of the Town of Amherstburg or to the Amherstburg Police Services.

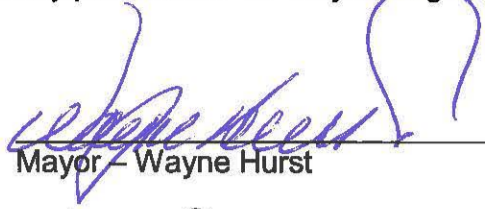
7. INVESTIGATION

- 7.1 The By-law Enforcement Officer shall conduct such investigation as may be deemed expedient and necessary based upon the information received in the report and shall determine if there are reasonable grounds to recommend a prosecution of an offence under this By-law.


8. OFFENCES AND PENALTIES

- 8.1 Any person who contravenes the provisions of section 4 of this By-law is guilty of an offence and upon conviction shall be liable to the fine pursuant to Part I of the *Provincial Offences Act* and Schedule “A” of this By-law.

READ a first, second and third time and finally passed this 15th day of August, 2011.



Mayor - Wayne Hurst



Clerk - Brenda M. Percy

THE HONOURABLE KATHLEEN E. McGOWAN
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



L'HONORABLE KATHLEEN E. McGOWAN
JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

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LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

February 13, 2012

Ms. Brenda Percy
Manager, Council & Legislative Services
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario N9V 2A5

Dear Ms. Percy:

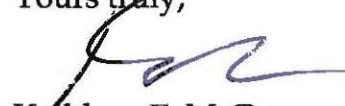
Re: Set Fines - Provincial Offences Act - Part I
By-law No. 2011-77, of the Town of Amherstburg

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, 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.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Windsor together with a certified copy of the By-law.

Yours truly,


Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures

cc: Manager, Provincial Offences


ONTARIO COURT OF JUSTICE

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 the By-law Number 2011-77, of the Town of Amherstburg attached hereto is the set fine for that offence. This Order is to take effect February 13, 2012.

Dated at London, Ontario this 13th day of February 2012.



Kathleen E. McGowan
Regional Senior Justice
West Region

SCHEDULE "A"
BY-LAW 2011-77

The Corporation of the Town of Amherstburg
By-law No. 2011-77: By-law to Prohibit the Abandonment or
Disposal of Animals on Lands and Premises located within the Town of Amherstburg
Part I Provincial Offences Act
Set Fine Schedule

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Abandon or dispose of animal within the Town of Amherstburg	Section 4.1	500.00

NOTE: Penalty provisions for the offences indicated above is Section 8.1 of By-law 2011-77, a certified copy of which has been filed

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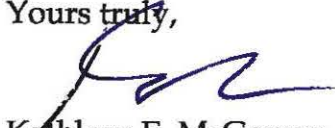
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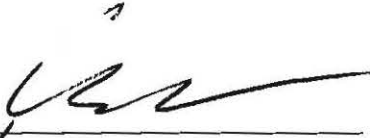
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