

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW 2007-33

BEING A BY-LAW TO REQUIRE 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 Municipality of West Elgin deal with the issue of livestock that are trespassing on other properties;

NOW THEREFORE the Council of the Municipality of West Elgin ENACTS AS FOLLOWS:

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 and swine;

"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; and

"municipality" means the Corporation of the Municipality of West Elgin.

2. Every owner on whose property livestock are being kept shall prevent the livestock from leaving the property at any time by constructing a perimeter fence or other interior enclosure or enclosures which meet or exceed the standards as set out in the Schedule "A" to this by-law, and, further thereto, such owner shall keep the said perimeter fence or other interior enclosure or enclosures in good repair.
3. The requirement in section 2 for a perimeter fence does not apply to owners who, prior to the date upon which the By-law shall come into force and effect, have already constructed a fence or fences on or along the perimeter of their property, provided that such fences are suitable and sufficient to prevent livestock from leaving the property at any time and are kept in good repair.
4. If the municipality determines that an owner on whose property livestock are being kept is in contravention of section 2 of this by-law, the Municipality may issue an order to remedy such contravention and the date by which such works must be completed, which order may be served by registered mail or personal service.

5. If the owner fails to complete the work set forth in an order issued pursuant to Section 4 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.
6. The Municipality may recover the costs of completing works pursuant to Section 4 and 5 above by adding those 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. 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.
8. The attached Schedule "A" forms part of this by-law.

READ A FIRST AND SECOND TIME THIS 10th DAY OF MAY, 2007.

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF MAY, 2007.

"Bernie Wiehle"
MAYOR

"Norma I. Bryant"
CLERK

BY-LAW 2007 – 33

SCHEDULE "A"

FENCE STANDARDS

1. Non-Electric Fence

- | | |
|----------------|--|
| Minimum Height | i) for cattle and horses: 1050 mm (42 inches) to 1200 mm (48 inches) |
| | ii) for goats, sheep, and pigs: 800 mm (32 inches) to 900 mm (36 inches) |
| Material | i) page wire, minimum 8 wires for cattle and horses and minimum of 10 wire for goats, sheep and pigs; or |
| | ii) board wood, minimum 3 boards |
| Posts | i) anchor, corner and stretch posts – wood, fibreglass or plastic |
| | ii) line posts – wood, fibreglass or plastic, minimum 100 mm (4 inches) top or t-bar steel |

2. Electric Fence

Minimum Height – 1200 mm (48 inches)

Wire – 12 ½ gauge high tensil wire or electro-braid fence – minimum 3 wires strung horizontally with at least 300 mm (12 inches) between wires and a maximum of 450 mm (18 inches) between lowest strung wire and ground

Posts – wood, fibreglass or plastic, minimum 100 mm (4 inches) top or t-bar steel

Minimum Voltage – 3000 kv