

## THE MUNICIPALITY OF NORTH PERTH

### BY-LAW NO. 80-2018

#### BEING A BY-LAW OF TO REGULATE THE PROHIBITION OR RESTRICTION OF EXOTIC ANIMALS

**WHEREAS** Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides for the authority for lower tier municipalities to pass by-laws respecting animals;

**AND WHEREAS** Section 8(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter; and,
- (b) require persons to do things respecting the matter.

**AND WHEREAS** the Municipality of North Perth is desirous of enacting a by-law for the prohibition or restriction of animals;

**NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF NORTH PERTH ENACTS AS FOLLOWS:**

#### 1. DEFINITIONS:

In this by-law, the term,

- 1.1 “**Council**” – shall mean the Council of the Municipality of North Perth.
- 1.2 “**Fees and Charges By-Law**” – refers to the current by-law of the Municipality to establish fees and charges pursuant to the *Municipal Act, 2001*, S. O. 2001, Chapter 25, as amended.
- 1.3 “**Harbour**” – means to give shelter to an animal.
- 1.4 “**Keep**” – means to have continuous charge of an animal.
- 1.5 “**Livestock**” – means chickens, turkeys, cattle, swine, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.
- 1.6 “**Municipal Law Enforcement Officer**” – means a person appointed by the Municipality to enforce the by-laws of the Municipality under s. 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- 1.7 “**Municipality**” – shall mean the Municipality of North Perth.
- 1.8 “**Own**” – means to have an animal belonging to oneself.
- 1.9 “**Possess**” – means to hold an animal as property.
- 1.10 “**Pound**” - means such premises and facilities designated by the Municipality for the purposes of impounding and caring for animals taken up by the Municipality of North Perth in violation of this by-law.

#### 2. PROHIBITED ANIMALS

- 2.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed in Schedule ‘A’ as a pet or for any other purpose or for any period of time within the Municipality of North Perth except where provided for

under the provisions of this By-law or any Federal or Provincial legislation.

- 2.2 No person shall import or export any animal listed in Schedule 'A' except where provided for under the provisions of this By-law or any Federal or Provincial Legislation

### **3. EXCEPTIONS**

- 3.1 Notwithstanding Sections 2, the prohibition or restriction shall not apply in the following places or circumstances:

- i) A public health laboratory
- ii) A pound facility
- iii) A veterinary hospital or clinic under the care of a licensed veterinarian
- iv) On premises registered as a research facility under Section 5 of the Animals for Research Act, R.S.O., 1990
- v) Those granted an exemption by the Council of the Municipality of North Perth
- vi) On premises of an elementary or secondary school operated by the Avon Maitland District School Board, Huron Perth Catholic District School Board or accredited private school or academy where such animals are being kept or are made available for research, study or teaching purposes. The animal(s) shall be on the premises only by permission of the respective school's administration and shall be attended to by qualified personnel.

### **4. IMPOUNDING AND RELEASE**

- 4.1 A Police Officer, By-law Enforcement Officer or designate, may take into their custody and impound any Animal listed in Schedule 'A' found to be At Large, at the discretion of the Officer, and such Animal may be released to a bona fide zoo or other facility authorized to keep and care for such animals.
- 4.2 A Police Officer, By-law Enforcement Officer or designate, may take into their custody and impound any Animal listed in Schedule 'A' found to be a danger to the public, at the discretion of the Officer, and such Animal may be released to a bona fide zoo or other facility authorized to keep and care for such animals.
- 4.3 An animal may be released to its owner provided proof that the Animal shall be removed from the Municipality forthwith is provided and the applicable fee for impounding and keeping the Animal has been received by the Municipality.
- 4.4 The fee of impounding and keeping of an Animal shall be as established in the Municipalities Rates and Fees By-law.
- 4.5 After the expiry of five (5) consecutive days where an animal has not been restored to its Owner after a reasonable effort has been made to locate such Owner, the Officer may destroy the animal in a manner that the Officer considers reasonable, desirable and humane and is keeping within the limits allowed by any Provincial or Federal Statute or relocate the animal to a bona fide zoo or other facility authorized to keep and care for such Animals.

### **5. PENALTY PROVISIONS:**

- 5.1 Every person who contravenes any of the provisions of this by-law:
- a) is guilty of an offence; and,
  - b) upon conviction thereof is liable to a fine or penalty pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.



6. Municipal Liability

The municipality assumes no liability for property damage, damage to animal or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any person, animal or property that is subject of this By-law.

7. **SEVERABILITY:**

7.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions shall remain in full force and effect.

8. **GENERAL PROVISIONS:**

8.1 The number of household pets (domestic or exotic) is regulated by the North Perth Zoning By-law.

8.2 Domestic pets such as but not limited to dogs and cats are regulated by the North Perth Zoning By-law and the Animal Control By-law, or other By-laws adopted by the Municipality of North Perth.

9. **SHORT TITLE:**

9.1 This by-law may be cited as the Exotic Pet By-law.

10. **DATE EFFECTIVE:**

This by-law shall come into force and effect on the date the fines set out in Schedule "B" are approved by the Crown Attorney.

READ A FIRST AND SECOND TIME this 4<sup>th</sup> day of June, 2018.

READ A THIRD AND FINAL TIME AND PASSED this 4<sup>th</sup> day of June, 2018.

  
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JULIE BEHRNS, MAYOR

  
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PATRICIA BERFELZ, CLERK

### Schedule 'A'

Note: Common names of animals of a particular prohibited order are given as examples only and shall not be construed as limiting the generality of the group and excludes all household pets and livestock.

Class	Order	Common Names
Mammals	Carnivora	Pandas, wolves, bears, seals, walruses, coyotes, fox hybrids, wolf dogs, mongoose  Tigers, leopards, cougars, lions, lynx, hyenas  Skunks, weasels, otters, badgers  Coatimundi, cacomistels, raccoons
	Cingulata	Armadillos
	Chiroptera	Bats, myotis, flying foxes
	Lagomorpha	Pikas
	Marsupialia	Koala, kangaroo, possum, wallabies
	Pilosa	Anteater, sloth
	Primates (non-human)	Chimpanzees, gorillas, monkeys, lemurs (except monkeys kept by physically handicapped persons to assist in their day to day living)
	Proboscidea	Elephants, rhinoceros, hippopotamus
	Rodentia	Porcupines, prairie dogs, nutria, chinchillas
	Cetaceans	Dolphins, whales
Reptiles	Crocodylia	Alligators, crocodiles, gavial, caymans
	Squamata	Lizards that reach an adult length greater than 65 centimeters (25.6 inches) from snout to vent  Snakes that are venomous  Snakes that reach an adult length greater than 2 metres (6.6 feet)
	Testudine	Tortoises
Birds	Anseriformes	Swans, screamers
	Galliformes	Pheasants, grouse
	Struthioniformes	Ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Eagles, hawks, falcons (except those owned by falconers licensed by the Ontario Ministry of Natural Resources), owls
Other	Selachimorpha	Sharks
		All poisonous insects, reptiles and amphibians

Schedule 'B'  
The Municipality of North Perth  
By-law 80-2018  
Part 1 Provincial Offences Act  
Title: The Municipality of North Perth to Regulate the Prohibition or Restriction of Exotic Animals

	COLUMN 1	COLUMN 2	COLUMN 3
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Owning a prohibited animal	2.1	\$395.00
3	Harbouring a prohibited animal	2.1	\$395.00
5	Possessing a prohibited animal	2.1	\$395.00
7	Keeping a prohibited animal	2.1	\$395.00
9	Selling a prohibited animal	2.1	\$395.00
11	Offering to sell a prohibited animal	2.1	\$395.00

\*Note: the general penalty provision for the offences listed above is Section 5 of Bylaw 80-2018, a certified copy of which has been filed.