

The Corporation of the Township of Mulmur

BY-LAW NO. 6-05

**A by-law to prohibit the keeping of certain types
of animals within the Township of Mulmur**

(Exotic Animals By-law)

WHEREAS the Municipal Act, R.S.O. 2001, Sections 128 and 130, provide that by-laws may be passed by the Councils of local municipalities to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause a public nuisance and further, that by-laws may be passed for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the Council of the Township of Mulmur deems it desirable to pass such a by-law to prohibit the breeding and keeping of certain animals within the Township;

NOW THEREFORE the Council of the Corporation of the Township of Mulmur enacts the following:

1. DEFINITIONS

“Animal” includes mammals, birds and reptiles, insects and venomous spiders.

“Board” means the keeping of an animal for any given period of time.

“By-law enforcement officer” means a person appointed by the Township to enforce this By-law.

“Council” means the Council of the Corporation of the Township of Mulmur.

“Domestic animals” are animals that appear on Schedule “A”.

“Escape Proof Enclosure” is a locked cage, box or other enclosed container from which an animal cannot escape without the intervention of persons authorized and capable of handling the animal, and from which no part of the animal can protrude or extend.

“Indigenous wildlife animals” are animals occurring and living naturally in the wild within the Township or anywhere within Ontario or Canada, the keeping of which may be regulated by the Ontario Ministry of Natural Resources.

“Keep” means the act of care, custody, control or possession of an animal, and includes the breeding of animals.

“Livestock animals” are animals that appear on Schedule “A”.

“Owner” means any person who keeps, harbours, is a legal owner of, or is in control of the animal within the Township, and where the owner is a minor, the person responsible for the custody of the minor.

“Prohibited or dangerous animal” includes but is not limited to animals that appear on, or part of animal groups that appear on Schedule “B”.

“Township” means the Corporation of the Township of Mulmur.

2. KEEPING OF ANIMALS

- A) No person shall keep, breed, or board any prohibited or dangerous animal as defined herein and as listed on Schedule “B”, or any indigenous wildlife animal within the Township.
- B) No person shall keep, or cause to be kept within the Township, any animal that is listed within Part 1 of the Committee for International Trade and Endangered Species (CITES) as an endangered or rare species.
- C) No person shall be permitted to keep, breed, or board any livestock animal listed on Schedule “A”, within the developed limits of any hamlet or settlement area as defined in the Township’s Official Plan, including but not limited to any lands zoned “Hamlet Residential” and “Estate Residential” in the Township’s Zoning By-law.
- D) Except as provided in Sub-section C) above, the keeping, breeding and boarding of livestock animals listed on Schedule “A” shall otherwise generally be permitted in the remaining, rural areas of the Township of Mulmur, subject to any applicable provisions of the Township’s comprehensive Zoning By-law.
- E) The keeping of domestic animals listed on Schedule “A” shall generally be permitted throughout the Township, subject to any applicable provisions of the Township’s Canine Control By-law and any other applicable by-laws and regulations.

3. EXEMPTIONS

3.1 Section 2 shall not apply to prevent the keeping of any animal:

- a) in a veterinary hospital under the care of a licensed Veterinarian

- b) in an OPP office or in the custody and care of an OPP officer;
- c) that is permitted to be kept in a facility owned, operated, licensed or otherwise designated as a safe and secure facility suitable for the keeping of animals of the type(s) assigned, by the branch or branches of the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) servicing the Township of Mulmur, and for the purposes of this sub-section, such animals shall be limited to those listed on Schedule “A” and, subject to sub-section d) below, indigenous wildlife animals as defined herein;
- d) that is permitted to be kept under a license or authorization issued by the Ontario Ministry of Natural Resources pursuant to the Fish and Wildlife Conservation Act provided, where deemed necessary by the Ministry, such animals are kept in an escape proof enclosure;
- e) that is in the care and control of the Canine Enforcement Officer, Animal Control Officer, By-law Enforcement Officer or other authorized representative of the Township;
- f) that is lawfully being kept in the Township by an owner resident in the Township on the date of passage of this by-law; the owner, property location, number and type of animal(s) as specifically listed in Schedule “C” to this By-law, and only for the natural life of the animal(s) being kept and, for the purposes of this section, excluding the breeding or propagation of the animal(s), and provided that any prohibited or dangerous animal listed in Schedule “B” is kept in an escape proof enclosure.

4. ENFORCEMENT

- 4.1 Any prohibited or dangerous animal found running at large within the Township may be impounded or destroyed if deemed necessary to ensure the safety of the public. Any owner of animals impounded or destroyed pursuant to this By-law shall be liable to pay all costs of impounding or destroying the animal, its care and upkeep and all other costs related thereto.
- 4.2 If a complaint related to matters governed by this By-law is registered with the Township, then an investigation, including inspection, may take place.
 - a) The By-law Enforcement Officer, or any person acting under his or her instruction has the power of entry pursuant to the provisions of the Municipal Act.
 - b) A person exercising a power of entry must produce proper identification.
 - c) A person exercising a power of entry shall not enter or remain in any room or place actually used as a dwelling unless:

- i) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and if refused may only be made under the authority of a warrant issued under section 158 of the Provincial Offences Act;
- ii) under a warrant issued under section 158 of the Provincial Offences Act;
- iii) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person.

4.4 Any person who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine of not more than \$5,000.00, exclusive of costs, and such penalty and costs shall be recoverable under the provisions of the Provincial Offences Act.

5.0 ENACTMENT

All schedules referred to in this By-law and attached to this By-law shall be deemed to be a part of this By-law.

If any Section, Clause, sentence, provision or any part of this By-law is declared by any Court of Law to be invalid, illegal, or ultra-vires, such Section, Clause, sentence, provision, or part shall be severable and shall not affect the validity of any other Section, Clause, sentence, provision, or part of this By-law

This By-law comes into force on the date of final reading and passage.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED on this 1st day of March, 2005.

GORDON GALLAUGHER, MAYOR

TERRY HORNER, CLERK

SCHEDULE "A"

to By-law No. 6-05.

DOMESTICATED AND LIVESTOCK ANIMALS

Domestic Animals

All domestic dogs

All domestic cats

All domestic Ferrets

Rodents kept domestically including hamsters, gerbils, rats and mice, and guinea pigs.

Rabbits

Turtles

Lizards, geckos, bearded dragons and similar small, non-venomous reptilians sold/kept as pets

Livestock Animals

Cattle

Sheep

Goats

Horses

Donkeys

Pigs

Fowl (including chickens, ducks, geese, guinea fowl, peafowl, pheasants, quail, turkeys)

Ratite Birds (including cassowaries, emus, ostriches and rheas)

Foxes

Mink

Rabbits

Elk

Deer

Bison

Llamas

Alpacas

SCHEDULE "B"

to By-law No. 6-05.

PROHIBITED AND DANGEROUS ANIMALS

Bats

Canids (such as wolves and coyotes) except domestic dogs

Crocodylians, including crocodiles, alligators, Komodo dragons, and lizards not considered as domestic animals and listed on Schedule "A".

Edentates (including sloths, anteaters, and armadillos)

Elephants

Felids (including cougars, bobcats, lions, lynx, panthers, and tigers, etc.), except domestic cats.

Hyenas

Marsupials (such as kangaroos and opossums)

Mustelids (such as skunks, badgers, weasels and otters) exclusive of the domestic ferret

Perissodactyls Ungulates (odd toed hoofed animals), such as the zebra and rhinoceros and Artiodactyls Ungulates (even toed hoofed animals), such as the camel, giraffe, hippopotamus, antelope and yak, save and except those listed in Schedule "A".

Non-human primates, such as apes, gorillas and monkeys

Pinnipeds, such as seals, fur seals and walruses

Procyonids (such as raccoons)

Raptors (including eagles, hawks and owls)

Ursids (bears)

Venomous arachnids (spiders) such as black widow spiders, tarantulas

Venomous reptiles, such as vipers, rattlers, cotton mouths, copper heads and cobras

Constrictor snakes such as boa constrictors, pythons and anacondas

Viverrids (such as mongooses, civets, and genets)

Wild boars, peccaries, warthogs (excluding domestic pot bellied pigs)

Examples of animals of a particular group are given, to provide common names with which residents can more readily identify. They are examples only and shall not be construed as limiting the generality of the group. The only exceptions are those noted.

SCHEDULE "C"

to By-law No. 6-05.

EXEMPTIONS

| <u>Owners Name</u> | <u>Property</u> | <u>Prohibited Animal(s)</u> | | |
|--------------------|-----------------|-----------------------------|-------------|------------|
| | | <u>Number</u> | <u>Type</u> | <u>Age</u> |