

Corporation of the Municipality of South Huron

BY-LAW 29-2014

Domestic Birds, Animals and Exotic Animals

Being a by-law to prohibit the keeping, exhibition and transportation of certain animals within the corporation of the Municipality of South Huron.

WHEREAS pursuant to Sections 11 and 103 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality is authorized to pass by-laws prohibiting, regulating and restricting the keeping of animals or any class thereof; and

WHEREAS the Council of the Corporation of the Municipality of South Huron deems it desirable, for the protection of the public and in the public interest, to pass a by-law to prohibit the keeping, exhibition and transportation of exotic, wild and non-domestic animals within the limits of the Municipality of South Huron;

NOW, THEREFORE, the Council of the Corporation of the Municipality of South Huron ENACTS as follows:

1. DEFINITIONS

- 1.1 "Animal" means any member of the animal kingdom, other than a human;
- 1.2 "Exotic animal" shall mean an animal as listed in to this by-law;
- 1.2 "Municipal By-Law Officer" shall include By-Law Enforcement Officers and any officer appointed as a peace officer;
- 1.3 "Owner" shall mean any person who possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor;
- 1.4 "Residential Area" shall mean any property zoned Residential in the current Exeter Zoning By-Law.
- 1.5 "Running at large" shall mean being found in any place other than the owner's premises and not under the physical control of any person.

2. PROHIBITION

- 2.1 Except as provided in Sections 3.1 and 3.2 of this by-law, the keeping or harbouring of any animal listed in Schedule "A", attached hereto and forming an integral part of this by-law, is prohibited anywhere in the Municipality of South Huron.
- 2.2 No person shall exhibit or transport any exotic animal within the Municipality.
- 2.3 In residential areas of the Exeter Ward, no person shall possess or harbor any domestic fowl or rabbit (s) unless the same is or are enclosed in a clean

and sanitary pen or in a fenced area, or housed in a suitable structure, which is located at least 3m from the lot line and at least 15m from any lot line that abuts a school or church property.

- 2.4 In residential areas of the Exeter Ward, no person shall possess or harbor more than twenty (20) in total of domestic fowl or rabbits.

3. EXEMPTIONS

- 3.1 It is permissible to keep any animal of the kind listed in Schedule "A" to this by-law in the following places or circumstances;
- a. In a veterinary hospital under the care of a licensed veterinarian;
 - b. In a public compound;
 - c. In a designated pound or shelter;
 - d. In premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990, c.A.22, as amended;
 - e. At a farm operation involving alternative livestock animals where such use is permitted by the applicable Municipality of South Huron zoning by-laws and providing that the animals are kept in a secure, humane and escape-proof cage, tank or enclosure.
- 3.2 Sections 2.1 and 2.2 shall not apply to the transportation or the keeping of an exotic animal during the transportation of the animal to any of the places noted in Section 3.1.
- 3.3 Applications for exemptions from this by-law may be received by Council.
- 3.4 Applications for temporary exemptions may be received by Council from, but not limited to, traveling circuses, film projects, person delivering educational programs, school and group presentations.
- 3.5 Each application for exemption shall be reviewed by Council on an individual basis. Council may consult with experts and may either refuse the application, grant an exemption, or grant a conditional exemption.

4. BUSINESSES

- 4.1 Unless exempt under Section 3 of this by-law, no person who operates a business within the Municipality of South Huron shall possess, keep, sell or otherwise make available any animals listed in Schedule "A" of this by-law.

5. RIGHT OF ENTRY

- 5.1 A Municipal By-Law Enforcement Officer may enter onto any property, at any reasonable time, for the purpose of determining whether and prohibited animals are being kept on the premises.

6. ISSUE ORDER, COMPLIANCE WITH NOTICE

- 6.1 A Municipal By-Law Enforcement Officer may issue an Order concerning any contravention of this by-law with respect to any prohibited animal; the order shall identify the contravention and the date by which there must be compliance with the Order.
- 6.2 No person subject to an Order as described in Section 6.1 shall fail to comply with such Order within the stated time.

7. SEIZURE OR SURRENDER

- 7.1 No owner of an exotic animal shall cause or permit the exotic animal to run at large.
- 7.2 Any exotic animal running at large contrary to the provisions of this by-law may be captured by any By-Law Enforcement Officer or any other person duly authorized by Council for that purpose.
- 7.3 Any exotic animal running at large, contrary to the provisions of this by-law which, in the opinion of the By-Law Enforcement Officer or any other person duly authorized by Council for that purpose, appears to be vicious or rabid or appears to be a threat to the safety of the community, and which cannot be captured by the above noted officers, may be killed. The owner of the exotic animal shall not be entitled to damages or compensation on account of the exotic animal being killed.
- 7.4 Any exotic animal found running at large contrary to this by-law may be seized and impounded and may, after seven (7) days have elapsed, excluding the day it was impounded and statutory holidays, be sold or adopted out to a lawful recipient. An exotic animal so seized and impounded may, after fourteen (14) days have elapsed excluding the day it was impounded and statutory holidays, be euthanized.
- 7.5 The owner of an exotic animal that has been seized and impounded shall pay to the poundkeeper or the poundkeeper's agent all costs incurred during the impounding of the exotic animal including, but not limited to, pick-up charges, mileage charges, daily pound maintenance fees for each day that the exotic animal remains impounded subsequent to the day of seizure, and any charges incurred for the services of a veterinarian where necessary because the exotic animal has been injured or where it is required that the exotic animal be destroyed.
- 7.6 In order to obtain the release of an impounded exotic animal during the seven day redemption period, the owner shall:
 - a. Pay to the poundkeeper all outstanding impoundment fees;
 - b. Pay to the poundkeeper the costs incurred for veterinary care while the exotic animal was impounded; and
 - c. Take such other action as the poundkeeper deems appropriate.

7.7 No person shall obstruct or attempt to obstruct a municipal By-law Enforcement Officer or an employee or agent of the municipality in carrying out his or her duties under this by-law.

8. PENALTY

8.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to such penalties as are established under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

9. SEVERABILITY

9.1 If a court of competent jurisdiction should declare any section of the by-law or part thereof, or any provision in the Schedule to be invalid or inoperative in whole or in part, or inoperative in the particular circumstances, such sections, parts or provisions in the Schedule shall not be construed as having influenced Council to pass the remainder of the by-law or the provision in the schedule, and it is hereby declared that the impugned section or provision in the schedule shall be severable and distinct from the remainder of the by-law or schedule and it is Council's intention that the remainder of the by-law or schedule shall be valid and shall remain in full force and effect.

10. EFFECTIVE DATE

10.1 This by-law shall come into force and take effect immediately upon the final passing thereof.

11. AMNESTY PERIOD

11.1 An amnesty period for current owners of exotic animals shall be in effect for two months commencing immediately upon this by-law being passed. This will allow current owners of prohibited exotic animals to find alternative and lawful accommodations for their animals.

Read a First Time and Second Time this 5th Day of May, 2014
Read a Third Time and Finally Passed This 5th Day of May, 2014

George Robertson, Mayor

Genevieve Scharback, Clerk

Schedule A to By-Law 29-2014

<u>Class of Animals</u>	<u>Common Name - Examples</u>
All Venomous Arachnids	Tarantulas
All Venomous Arthropods	Scorpion
All Artiodactyl Ungulates (except domestic Goats, sheep, pig, cattle, antelope, llamas, Elpacas)	Camel, Giraffes
All Canidae (other than common dog)	Wolf, Jackal, Fox, Coyote or hybrids
All Chiropterae	Bat
All Crocodylidae	Alligator, Crocodile
All Endentates	Anteater, Armadillo, Sloth
All Felids (other than common cat)	Leopard, Lion, Tiger, Lynx, Panther, Puma, Cheetah, Jaguar, Bobcat
All Herpestidae	Mongoose
All Hyanenidae	Hyena
All Insectivora (except hedgehog)	Shrews, Moles
All Marsupialia	Bandicoot, Kangaroo, Opossum, Koala, Wombat
All Mephitidae	Skunk
All Mustelidae (except domestic ferrets)	Marten, Polecat, Weasel, Otters, Badgers, Mink, Wolverine
All Perissodactyl Ungulates (except Domestic horse, donkey, mule or jackass)	Zebra, Rhinoceroses, Tapir
All Pinnipediae	Seal, Walrus, Sea Lion
All Non Human Primates	Ape, Lemur, Monkey, Gorilla
All Proboscidae	Elephant
All Procyonidae	Coati, Raccoon, Ringtails
All Raptors (except ostrich, emus)	Eagle, Hawk, Owl, Vulture, Falcons
All Ratites (except ostrich, emus)	Cassowary, Rheas
All Ursidae	Bear
All Venemous Reptilia	Venomous Snake, Lizard
All Septentes of the families Pythonidae and Boidae	Python, Boa, Anaconda
All Viverridae	Civet

Note: the common names referred to in the right hand column are some of the names of animals referred to in the left hand column of this schedule. The common name is provided for information purposes only and is not intended to limit the extent of the classes of animals referred to.