

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES
BY-LAW NUMBER 3281-21**

**BEING A BY-LAW TO REGULATE EXOTIC ANIMALS IN THE TOWNSHIP OF
NORTH DUMFRIES**

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 Corporation of the Township of North Dumfries is desirous of enacting a by-law for the prohibition or restriction of animals;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law, the term:

- 1.1 **“Animal”** means any live member of the animal kingdom, other than a human.
- 1.2 **“Animal Control Officer”** means a person appointed by the Township to enforce the provisions of this by-law
- 1.3 **“Council”** shall mean the Council of the Corporation of the Township of North Dumfries.
- 1.4 **“Exotic Animal”** means an animal listed in Schedule “A”.
- 1.5 **“Harbour”** means to give shelter to an animal.
- 1.6 **“Keep”** means to have continuous charge of an animal.
- 1.7 **“Livestock”** means chickens, turkeys, cattle, swine, horses, mink, rabbits, sheep, goats, or any other domestic animal used for consumption or use.
- 1.8 **“Municipal Law Enforcement Officer”** means a person appointed by the Township to enforce the by-laws of the Township under s. 15 of the Police Services Act, R.S.O. 1990, c. P.15, as amended.
- 1.9 **“Own”** means to have an animal belonging to oneself.
- 1.10 **“Possess”** means to hold an animal as property.
- 1.11 **“Township”** shall mean the Corporation of the Township of North Dumfries.

2. EXOTIC ANIMALS

- 2.1 No person shall keep, own, harbour, possess, sell, or offer for sale any exotic animal as identified in Schedule “A” of this By-law for any period of time in the Township of North Dumfries.

3. EXCEPTIONS

3.1 Section 2.1 shall not apply to:

- a) Research facilities under The Animals for Research Act, R.S.O., 1990, C.A. 22 as amended, or any successor legislation
- b) Educational facilities
- c) Pound facilities
- d) A veterinary clinic or hospital under the care of a licensed Veterinarian
- e) Those granted an exemption by Council or at a Municipally sanctioned event
- f) Domesticated Ungulates of the families Artiodactylus and Perissodactylus, Anseriformes, Galliformes and Struthioniformes:
 - (1) On lands zoned agricultural; or
 - (2) Where the Township has otherwise expressly permitted or authorized the activity, provided that such activity is of a temporary nature
- g) Anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions
- h) Hens kept in compliance with the Urban Hens Pilot (By-law 2999-18)

4. SEIZURE AND IMPOUNDMENT OF PROHIBITED ANIMALS

- 4.1 Any prohibited animal found in the Township may be seized and impounded by the investigating officer.
- 4.2 Where, in the opinion of the investigation officer, a prohibited animal seized under Subsection 4.1 is injured or ill and should be euthanized for humane reasons or the safety of persons, the prohibited animal may be euthanized by a licensed veterinarian without permitting any person to reclaim the prohibited animal.
- 4.3 Where a prohibited animal is seized or impounded by the investigating officer under Subsection 4.1, a per diem impoundment fee shall be paid by the owner.
- 4.4 Where a prohibited animal seized or impounded by the investigating officer under Subsection 4.1 is injured or ill and receives veterinary care necessary for the well-being of the prohibited animal, the Township shall, in addition to any amount charged pursuant to Subsection 4.5, be entitled to charge the owner of the prohibited animal the cost of the veterinary care.
- 4.5 Without limiting any other sections of this chapter, where a prohibited animal is seized or impounded by the investigating officer under Subsection 4.1 the Township may transfer the animal to a person in a jurisdiction in which ownership and possession of the animal is lawful.

5. ENFORCEMENT

- 5.1 All provisions of this By-law may be enforced by a Municipal Law Enforcement Officer, Police Officer, Animal Control Officer or any other employee or agent authorized by the Township.
- 5.2 A Municipal Law Enforcement Officer, Police Officer, Animal Control Officer or any other employee or agent authorized by the Township may, at all reasonable

times, enter on land including buildings and structures other than a dwelling unit, for carrying out an inspection to determine compliance with this By-law.

- 5.3 An officer may issue a direction or order requiring that a person comply with the provisions of this by-law and every person shall comply with such direction or order.

6. PENALTY PROVISIONS

- 6.1 No person shall hinder or obstruct or attempt to hinder or obstruct any officer exercising a power or performing a duty under this By-law. Any person who is alleged to have contravened any of the sections of this By-law shall identify themselves to the officer upon request. Failure to do so shall be deemed to have obstructed or hindered the officer in the execution of their duties.

- 6.2 Every person who contravenes any provision 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.

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. SHORT TITLE

- 8.1 This By-law may be cited as the Exotic Animals By-law.

9. REPEAL

- 9.1 By-law number 762-84 of the Township of North Dumfries, and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law shall come into force and effect.

- 9.2 This By-law is to come into effect on the day of passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF OCTOBER, 2021.



Susan Foxtton, Mayor



Ashley Sage, 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 NAME
Mammals	Carnivora	Pandas, wolves, bears, seals, walruses, coyotes, fox hybrids, wolf dogs, mongoose Tigers, leopards, cougars, lions, lynx, hyenas Skunks, weasels, otters, badgers Coatimundi, cacomistles, raccoons
	Cingulata	Armadillos
	Chiroptera	Bats, myotis, flying foxes
	Lagomorpha	Pikas, hares, except domestic rabbits
	Marsupialia	Koala, kangaroo, possum, wallabies
	Perissodactyla	Horses, donkeys, zebras
	Pilosa	Ant eater, 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
	Artiodactyla	Cattle, sheep, deer, goats, pigs
	Cetaceans	Dolphins, whales
Reptiles	Crocodylia	Alligators, crocodiles, gavia, caymans
	Squamata	Lizards that reach an adult length greater than 2 metres from snout to vent Snakes that are venomous Snakes that reach an adult length greater than 3 metres
	Testudine	Tortoises/turtles
Birds	Anseriformes	Swans, screamers, ducks, geese
	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 and Forestry), owls
Other	Selachimorpha	Sharks
		All poisonous and venomous animals
		Any endangered species as defined by the Canadian Wildlife Service