

CORPORATION OF THE TOWNSHIP OF ADELAIDE METCALFE

BY-LAW #26-2016

**BEING A BY-LAW TO PROHIBIT AND REGULATE THE KEEPING OF ANIMALS
WITHIN THE TOWNSHIP OF ADELAIDE METCALFE**

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001,c.25, as amended provides that a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS Section 11 of the *Municipal Act*, S.O. 2001, c.25, provides that lower-tier municipalities may pass by-laws respecting animals;

AND WHEREAS Section 8 of the *Municipal Act*, S.O. 2001, c.25, provides that a by-law under Section 11 respecting a matter may:

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

AND WHEREAS Council deems it expedient to enact a by-law for the prohibition or restriction of animals;

NOW THEREFORE the Council of the Corporation of the Township of Adelaide Metcalfe

ENACTS AS FOLLOWS;

1. DEFINITIONS

In this by-law, the term

- 1.1 "Animal" means any member of the animal kingdom, other than human.
- 1.2 "Animal enclosure" means an enclosed place for the keeping of animals, but the yard of a property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the yard itself, shall not be deemed to be an animal enclosure.
- 1.3 "At large" or "trespass" means an animal being at any place other than the premises of the owner of the animal and not under the control of the owner or person acting on behalf of the owner, including not being on a leash or tethered, except where the owner of the property, other than the animal owner's property, permits the animal to be on his or her property.
- 1.4 "By-law Enforcement Officer" means a person or company appointed by the Township of Adelaide Metcalfe to enforce the by-laws of the Township.
- 1.5 "Corporation" means the Corporation of the Township of Adelaide Metcalfe
- 1.6 "Council" means the Council of the Corporation of the Township of Adelaide Metcalfe.
- 1.7 "Domestic animal" means an animal kept by or living with human beings.
- 1.8 "Harbour" means to give shelter to an animal.
- 1.9 "Household Pet" means any form of livestock which could normally be purchased in a pet store, which would normally spend all or part of its life within a dwelling unit, which is owned by a resident of the dwelling unit and which is not kept for profit or gain.
- 1.10 "Keep" means to have continuous charge of an animal.
- 1.11 "Own" means to have an animal belonging to oneself.

- 1.12 "Owner" means a person who keeps, harbours or has custody of an animal, and, in the case of a minor, "owner" means the person responsible for the custody of the minor. If there is more than one owner of an animal, they are jointly and severally the owner.
- 1.13 "Person" means an individual, partnership, association, firm or corporation.
- 1.14 "Possess" means to hold an animal as property.
- 1.15 "Pound" means such premises and facilities designated by the Township for the purposes of impounding and caring for animals taken up by the Township of Adelaide Metcalfe in violation of this by-law.
- 1.16 "Premises" means dwelling unit, a house or building and the land or premises on which the building or house is situated or attached.
- 1.17 "Sanitary condition" means a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent attractants which endanger the health, comfort or convenience of any person or animal.
- 1.18 "Township" means the Corporation of the Township of Adelaide Metcalfe.
- 1.19 "Veterinarian" means a member of the College of Veterinarians of Ontario.

2. KEEPING OF ANIMALS

- 2.1 Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of:
- i) A shelter for the animal that protects the animal from exposure to the elements;
 - ii) A shelter for the animal that is adequate for its size and breed;
 - iii) Adequate amounts of potable water for the animal; and
 - iv) Food of a type and in amounts nutritionally adequate for the animal.
- 2.2 No person shall keep an animal in unsanitary conditions.

3. RESTRICTED ANIMALS

- 3.1 Except as otherwise permitted by this by-law, no person shall keep, harbour or possess any animal or animals of any of the following classes in the Township of Adelaide Metcalfe:
- i) All marsupials (such as kangaroos and opossum);
 - ii) All non-human primates (such as gorillas and monkeys);
 - iii) All felids (such as lions and tigers), except for the domestic cat;
 - iv) All canids (such as wolves and hybrids), except for the domestic dog;
 - v) All viverrids (such as mongoose, civets and genets);
 - vi) All mustelids (such as skunks, weasels, otters and badgers), except the domestic ferret;
 - vii) All ursids (bears);
 - viii) All artiodactylous ungulates (such as domestic goats, sheep, pigs and cattle);
 - ix) All procyonids (such as raccoons, coatis and cacomistles);
 - x) All hyaenas;
 - xi) All pinnipeds (such as seals, fur seals and walruses);
 - xii) All snakes of the families Pythonidae and Boidae;
 - xiii) All venomous reptiles;
 - xiv) All ratite birds (such as ostriches, emus, rheas, cassowaries);
 - xv) All diurnal and nocturnal raptors (such as eagles, hawks and owls);
 - xvi) All edentates (such as anteaters, sloths and armadillos);
 - xvii) All bats;

- xviii) All crocodylians (such as alligators and crocodiles);
- xix) All arachnids (such as tarantulas);
- xx) All galliformes (such as grouse, pheasants, turkeys);
- xxi) All anseriformes (such as ducks, geese, swans);
- xxii) All sciuridae (such as prairie dogs, giant squirrels and flying squirrels);
- xxiii) All perissodactylus ungulates (such as horses and zebra);
- xxiv) All elephants;
- xxv) Any other exotic animal not specified above or animal recognized as "alternate livestock by Ontario Ministry of Agriculture and Food or "farmed animal" as recognized by the Ministry of Natural Resources and Forestry.

3.2 Notwithstanding Section 3.1, the following animals may be kept on land that is both (a) zoned for agricultural use and (b) is lawfully used for the agricultural purposes permitted on such land, under the Township Zoning By-law:

- i) Horse
- ii) Zebra
- iii) Donkey
- iv) Pony
- v) Mule
- vi) Cow or Steer
- vii) Goat
- viii) Swine
- ix) Mink
- x) Fox
- xi) Sheep
- xii) Chinchilla
- xiii) Chicken
- xiv) Turkey
- xv) Peafowl
- xvi) Emu
- xvii) Grouse
- xviii) Pheasant
- xix) Duck
- xx) Geese
- xxi) Swan
- xxii) Guinea Hen
- xxiii) Any other domestic farm animal.

4. EXCEPTIONS

- 4.1 Notwithstanding Section 3, 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 under this By-law by the Township of Adelaide Metcalfe

5. EXEMPTIONS

- 5.1 Despite Section 3, a person may be permitted to keep such prohibited animal(s) provided the animal owner complies with the following conditions:
- i) The prohibited animal was housed on a property within the limits of the Township prior to the adoption of this By-law and such prohibited animal is registered at the Township office;
 - ii) The animal is kept in an environment which is appropriate for the species;

- iii) The animal is kept in an animal enclosure whereby the animal cannot escape without human interference and which is wholly contained on the property of the person requesting the exemption;
- iv) The owner of the animal is the owner of the property as provided on the most recently returned Assessment Roll. An animal owner who is not the owner of the property shall provide a letter from the property owner acknowledging the keeping of prohibited animal;
- v) The animal owner has filed a letter of request, as shown in Schedule 'A' for an exemption from Section 3.1 of this By-law and has received approval in writing from the Clerk; and
- vi) An initial on-site inspection is conducted of the prohibited animals and respective animal enclosure by an authorized representative of the Township. A person who requests an exemption from Section 3.1 of this By-law is responsible for all costs to the Township in connection with the processing of the request, including the cost of obtaining an expert opinion about the appropriateness of the proposed exemption, should the Clerk consider this action to be necessary.

5.2 The burden of proof for an exemption from Section 3.1 rests with the person making the request for exemption to the Clerk. Written approval from the Clerk shall be deemed as an exemption from Section 3.1 of this By-law.

5.3 The Clerk shall maintain a list of all prohibited animals and owners for which an exemption has been granted in accordance with Section 5.1.

5.4 The exemption issued under Section 5 may be revoked at any time by the Clerk of the Township following ten (10) days written notice to the animal owner including but not limited to the following reasons:

- i) Prohibited animal being kept in unsanitary conditions;
- ii) Prohibited animal found at large or trespassing;
- iii) Prohibited animal being inadequately kept in enclosure;
- iv) Prohibited animal seized by outside agency, which includes but is not limited to the Ontario Provincial Police.

6. PENALTY PROVISIONS

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

7. SEVERABILITY

7.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law shall be valid and shall remain in force.

7.2 Where the provisions of this By-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

7.3 This By-law is not intended to supersede, replace or augment Provincial Legislation and Federal Statutes with respect to Endangered Species or Species At Risk.

8. SHORT TITLE

8.1 This By-law may be cited as the "Regulating Animals By-Law".

9. REPEAL SECTIONS

- 9.1 This By-law hereby repeals any previous by-laws for the prohibiting and regulating of the keeping of animals within the Township other than domestic dogs.
- 9.2 This By-law shall come into force and take effect on the date that it is given third and final reading and passed.

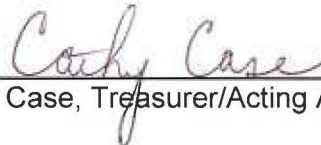
READ A FIRST, SECOND AND THIRD TIME

IN OPEN COUNCIL

This 7 day of November, 2016



Kurtis Smith, Mayor



Cathy Case, Treasurer/Acting Administrator-Clerk

TOWNSHIP OF ADELAIDE METCALFE
Schedule A to By-law No. 26-2016
“Regulating Animals By-law”

Application for Exemption – Section 5

APPLICANT NAME:

ADDRESS:

PHONE & EMAIL:

Location and Description of Property:

I am an owner of this property

YES ()

NO ()

Type of Prohibited Animal:

Attach photograph of animal

Location where the prohibited animal will be housed:

Provide a sketch of location on property and proximity to property lines.

INSPECTION:

(a) Pen – that has a locking device

YES ()

NO ()

(b) Independent Fence Containment System

YES ()

NO ()

(c) Other

COMMENTS:

CERTIFICATION

I,
certify that the information provided herein is accurate and request Council consider granting an exemption under Section 5 of By-law No. 26-2016.

Dated this day of 20.....
.....
Applicant

INSPECTION CERTIFICATION

I,
have reviewed the Application for Exemption and have completed an inspection of the property and location where prohibited animal will be housed on

..... Based on the inspection, I:

- Recommend that Council approve Application as submitted.
- Recommend that Council approve Application with conditions as attached.
- Recommend that Council deny the application based on attached report.

Dated this day of 20.....
.....
Inspector

COUNCIL DECISION

The application was considered by the Council of the Township of Adelaide Metcalfe at the meeting held

The Application for Exemption is:

- Approved by Council as submitted.
- Approved by Council with conditions as attached.
- Denied by Council.

A copy of the resolution of Council is attached.

Dated this day of 20.....
.....
Clerk