

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2015-38

**Being a By-law to prohibit or otherwise regulate the
keeping of certain animals within the
Township of Tay.**

WHEREAS pursuant to the Municipal Act, S.O. 2001, c.25 as amended, empowers councils of a local municipality to pass by-laws to regulate or prohibit the keeping of animals or any class thereof within the municipality or defined area thereof;

AND WHEREAS pursuant to Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c.25, a lower tier municipality may pass By-laws respecting the health, safety and well-being of persons, protection of persons and property, consumer protection and animals;

AND WHEREAS Section 436 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the municipality has the power to pass By-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with a By-law, direction, order, or condition of license;

AND WHEREAS it has been deemed necessary to prevent a nuisance by restricting or prohibiting certain animals in certain areas and further to protect the health and safety of the public from certain endangered or dangerous animals;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP TAY ENACTS AS FOLLOWS:

1. DEFINITIONS

In this by-law:

"Animal" means any member of the animal kingdom, other than a human, but does not include a dog or cat.

"Council" means the Council of the Corporation of the Township of Tay.

"Dwelling Unit" means a room or suite of two or more rooms designed or intended for use by any person or persons in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment, and includes any real property associated with such dwelling unit.

"Officer" means a Municipal Law Enforcement Officer.

"Owner" means the owner or person who owns, keeps or harbours an animal and where the owner is a minor, the person responsible for the custody of the minor.

"Person" in addition to its regular meaning, includes an individual, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau and agency or any director, officer, manager or person in charge of such entity or the collecting of rent of any property, or any other person who is the occupier of the property.

“Proof” means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. Such records must clearly establish that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal, and also clearly establish that the owner and animal resided in the Township at such time.

“At Large” means found at a place other than the premises of the owner of the animal and not under the control of any person.

“Trespass” means being on private property without permission of the owner of the private property or being at large on property owned by the Township.

“Township” means The Corporation of the Township of Tay.

“Township Property” means any land situated within the Township of Tay which is owned by the Township or controlled by the Township by lease or otherwise.

“Veterinarian” means a veterinarian and shall include caretakers and inmates of a recognized Animal Care Centre where a veterinarian normally carries on business.

2. OFFENCES

- 2.1 No person shall own, possess, harbour or in any other manner keep any animal listed in Schedule A of this By-law except where provided for under the provisions of this By-law or any Federal or Provincial legislation.
- 2.2 No person shall own, possess, harbour or in any other manner keep more than 2 exotic pets per dwelling unit.
- 2.3 No person shall sell, offer for sale or display for sale any Animals listed in Schedule A of this By-law except where provided for under the provisions of this By-law or any Federal or Provincial legislation.
- 2.4 No person shall import or export any Animal listed in Schedule A of this By-law except where provided for under the provisions of this By-law or any Federal or Provincial legislation.
- 2.5 Section 2.1, 2.2 and 2.3 shall not apply to:
 - a) an Officer or Provincial Offences Officer in the performance of their duties;
 - b) a qualified Veterinarian treating any such Animal that is not his or her property at a recognized animal care facility;
 - c) a premise identified in Schedule B; or
 - d) mobile zoos or reptile displays for educational purposes

3. REGISTRY OF GRANDFATHERED ANIMALS

- 3.1 Any person may seek 'grandfathered' status for such prohibited animal within 6 months of a prohibition of the keeping of an animal by making application and providing to the Township proof that the animal was owned prior to the prohibition and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. The Fire Chief or designate may deem the animal be 'grandfathered' and enter such information pertaining to the animal and its owner into a registry of grandfathered animals.
- 3.2 Where any grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health or safety of any individual, the grandfathered status of that animal may be revoked at the discretion of the Fire Chief or designate.
- 3.3 The Township may, at the discretion of the Fire Chief or designate, impose special terms or conditions on the keeping of any grandfathered animal (e.g. housing). Any person who possesses, harbours or keeps a grandfathered animal shall comply with any special terms or conditions imposed by the Fire Chief or designate.
- 3.4 Any person who moves a grandfathered animal to a location other than the one on file with the Township shall notify the Fire Chief or designate of the new location within forty-eight (48) hours of the animal being moved or the grandfathering permission may be revoked.

4. IMPOUNDING AND RELEASE

- 4.1 An Officer, or Provincial Offences Officer, 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 and that facility may include a facility named under the Research Animals Act.
- 4.2 An Officer, or Provincial Offences Officer, 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 and that facility may include a facility names under the Research Animals Act.
- 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 for impounding and keeping of an Animal shall be as established in the Township's User Fees & Service Charges 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 in keeping with 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. ADMINISTRATION AND ENFORCEMENT

- 5.1 This by-law shall be administered by the Municipal Law Enforcement Officer(s) of the Township or such person or persons as Council may, by By-law, appoint.
- 5.2 This by-law shall be enforced by the Municipal Law Enforcement Officer(s) of the Township or such person or persons as Council may, by By-law, appoint.

6. RIGHT OF ENTRY

- 6.1 An Officer or person designated by Council shall be permitted to enter onto land at any time for the purpose of enforcing this By-law and any orders or conditions imposed under the authority of this By-law.
- 6.2 A person exercising a power of entry on behalf of the Township under this By-law must, upon request, display or produce proper identification.

7. PENALTIES

- 7.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the Provincial Offences Act.
- 7.2 Every person who is convicted of an offence under this by-law shall be subject to a fine of not more than five thousand dollars (\$5,000.00) for each offence. Such fines shall be recoverable under the Provincial Offences Act.
- 7.3 Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Ontario Court, Provincial Division, shall be requested to establish set fines as set out in Schedule "C" to this by-law.

8. CONTINUING OFFENCE

- 8.1 Each day that a situation as described in Sections 2 of this by-law is allowed to continue shall constitute a separate offence under this by-law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

9. OBSTRUCTION

- 9.1 In accordance with the provisions of the Municipal Act S.O. 2001, c. 25, as amended, no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an Officer, employee of the Township and/or agent in the lawful exercise or power or duty under this by-law.

- 9.2 Any person who has been alleged to have contravened any of the provisions of this by-law, who fails to identify himself/herself shall be deemed to have obstructed or hindered the person exercising a power or performing a duty under this by-law.

10. TOWNSHIP NOT LIABLE

- 10.1 The Township 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.

11. VALIDITY AND SEVERABILITY

- 11.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole.

12. SHORT TITLE

- 12.1 The short title of this by-law is the Exotic Animal By-law.

13. DATE EFFECTIVE

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

14. REPEALED

- 14.1 By-law 2014-91 is repealed.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF MARCH, 2015.

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR, Scott Warnock

CLERK, Alison Thomas

SCHEDULE 'A' TO BY-LAW 2015-38

Class of Animal and Common Names (Common names are provided illustration purposes only and are not intended to limit the extent of the classes of animals referred to in this schedule)
Mammals
Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except dogs
Chiroptera (bats such as fruit bats, myotis, flying foxes)
Edentates (such as anteaters, sloths, armadillos)
Felidae (such as tigers, leopards, cougars) except cats
Hyaenidae (such as hyenas)
Lagomorpha (such as hares, pikas) except rabbits
Marsupials (such as kangaroos, opossums, wallabies) except sugar gliders derived from self-sustaining captive populations
Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets
Non-human primates (such as chimpanzees, gorillas, monkeys, lemurs)
Proboscidae (elephants)
Procyonidae (such as coatimundi, cacomistles)
Rodentia (such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations
Ursidae (bears)
Viverridae (such as mongooses, civets, genets)
Reptiles
Crocodylia (such as alligators, crocodiles, gavials)
All snakes which reach an adult length larger than 3 metres
All lizards which reach an adult length larger than 2 metres
Other
All venomous and poisonous animals and arachnids

SCHEDULE 'B' TO BY-LAW 2015-38

Item No.	Premise	Address
1.	Royal Python Ranch The exemption is for snakes only.	5544 Elliott Sideroad
2.	Wye Marsh Wildlife Centre	16160 Hwy 12 East
3.	OSPCA Midland & District Branch	15979 Highway 12 East
4.	North Simcoe Veterinary Services	1831 Rumney Road

SCHEDULE 'C' TO BY-LAW 2015-38**PART 1 Provincial Offences Act-Set Fine Schedule****THE CORPORATION OF THE TOWNSHIP OF TAY****By-law No. 2015-38, Exotic Animal By-law**

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Own, possess, harbour or keep any prohibited animal.	2.1	\$400.00
2	Sell, offer for sale or display for sale any prohibited animal.	2.3	\$400.00
3	Import or export any prohibited animal.	2.4	\$400.00
4	Obstructing an Officer or Agent.	9.1	\$400.00

Note: The general penalty section for the offences indicated above is Part 7.2 of By-law 2015-38. A certified copy of which has been filed.

PART 1 Provincial Offences Act-Set Fine Schedule**THE CORPORATION OF THE TOWNSHIP OF TAY****By-law No. 2015-38, Exotic Animal By-law**

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Own, possess, harbour or keep any prohibited animal.	2.1	
2	Sell, offer for sale or display for sale any prohibited animal.	2.3	
3	Import or export any prohibited animal.	2.4	
4	Obstructing an Officer or Agent.	9.1	

Note: The general penalty section for the offences indicated above is Part 7.2 of By-law 2015-38, a certified copy of which has been filed.