

The Corporation of the Township of Killaloe, Hagarty and Richards

By-Law #39-2020

Being a By-Law to prohibit the keeping of certain exotic and non-domestic animals within the Township of Killaloe, Hagarty and Richards.

WHEREAS Section 8 through 11 of the *Municipal Act, 2001, c. 25*, as amended, provides authority on a Township to govern its affairs as it considers appropriate and to pass by-laws to regulate or prohibit matters within its jurisdiction;

AND WHEREAS Section 11(3) of the *Municipal Act, 2001, S.O.* provides that a lower tier municipality may pass By-laws within the sphere of jurisdiction of "animals";

AND WHEREAS Section 15 of the *Police Services Act, R.S.O. 1990, Chapter P.15* provides that Council may appoint Municipal Law Enforcement Officers to enforce all Municipal By-laws;

AND WHEREAS Section 40 of the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, C.41* prohibits the keeping of live game, wildlife or protected wildlife in captivity;

AND WHEREAS the Council of the Corporation of the Township of Killaloe, Hagarty and Richards deems it desirable and in the public interest to pass a By-law prohibiting the keeping of certain exotic and non-domestic animals within the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

1. No person shall, at any place within the municipality, breed, rear, keep, feed, raise or board any animal falling within the classes of animals listed in Schedule "A" to this By-law, save except as otherwise provided by this By-law.
2. For the purpose of discharging the duties imposed by this By-law, and to enforce its provisions, any agent or Animal Control Officer / Municipal Law Enforcement Officer of the municipality and any Police Officer is empowered to enter upon any property or structure.
3. Any animal falling within the classes of animals listed in Schedule "A" of this By-law may be taken up by any agent or Animal Control Officer / Municipal Law Enforcement Officer of the municipality, or any Police Officer, and impounded.
4. Where a Special Event such as an exhibition, circus, traveling show, petting zoo or any other like show that has prohibited animals, as defined in Schedule A of this By-law, requests entry into the municipality for the purposes of public display, the Special Event may be able to obtain from the municipality a temporary conditional exemption to some, or all, of the provisions of this By-law. For the purposes of obtaining the said exemption, the following provisions shall apply:
 - a) The operator/owner in charge of the Special Event shall apply in writing 45 days prior to the intended date, to the CAO Clerk-Treasurer for the municipality, for permission to enter the municipality with prohibited animals for the said purpose.
 - b) The CAO Clerk-Treasurer for the municipality may approve the application and issue a permit, with conditions, to temporarily exempt the

Special Event from some, or all, of the provisions of this by-law for the authorized purpose.

c) If approved, the operator/owner in charge of the Special Event must provide proof of a Comprehensive Policy of the Public Liability and Property Damage insurance acceptable to the municipality.

d) The operator/owner in charge of the Special Event must obtain such permit prior to the commencement of the permitted activity.

e) The operator/owner in charge of the Special Event must always display the permit in plain sight and in a conspicuous location during the times and dates of the Special Event.

f) The operator/owner in charge of the Special Event shall be in full conformance with all applicable Federal, Provincial and Municipal laws governing the possession, keeping and transportation of the subject animals being used in the said function in the municipality as well as the location where the subject animals are being kept on a permanent basis.

g) Failure to comply with all requirements of this By-law, as well as any other conditions set out by the CAO Clerk-Treasurer or municipality, may result in the permit being revoked and the person / persons in possession of any animals listed in Appendix A being subject to all provisions of this By-law.

5. Every person who contravenes any provision of the By-law is guilty of an offence and shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act. R.S.O. 1990 Chapter P.33, as amended from time to time, or any successor thereof.
6. When a person has been convicted of an offence under this By-law in the Ontario Court of Justice and/or the Ontario Provincial Court, the Court may in addition to any other penalty imposed on the person convicted, make an Order prohibiting the continuation or repetition of the offence by the person convicted.
7. The attached Schedule "A", titled "Prohibited Animals", shall constitute part of this By-law and the Schedules may be updated, as needed, by a motion of the Council of the Corporation of the Township of Killaloe, Hagarty and Richards.
8. A decision of a competent Court, that one or more provisions of this By-law are invalid, in whole or in part, does not affect the validity, effectiveness or enforcement ability of the other provisions, or part provisions, of this By-Law.
9. This By-law comes into force on the date of final reading and passing.

Read a first and second time this 27th day of August 2020.

Read a third time and finally passed this 27th day of August 2020.

Mayor

CAO/Clerk-Treasurer

The Corporation of the Township of Killaloe, Hagarty and Richards

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SCHEDULE "A" – PROHIBITED ANIMALS

ARTIODACTYLA UNGULATES (even toed hoofed animals such as wild boars, peccaries, warthogs, camels, giraffes, hippopotamus, antelope and yak) excluding domestic potbellied/mini pigs

CANIDS (such as coyotes and wolves) except domestic dogs

CHIROPTERA (bats such as fruit bats, myotis and flying foxes)

CROCODILIANS (including crocodiles, alligators, komodo dragons, and lizards not considered as domestic animals)

EDENTATES (such as anteaters, sloths and armadillos)

FELIDAE (such as tigers, cougars, bobcats, lions, lynx, panthers, leopards etc.) except domestic cats

HYAENIDAE (such as hyenas)

LAGOMORPHA (such as hares, pikas) except rabbits

MARSUPIALS (such as kangaroos and opossums)

MUSTELIDAE (such as skunks, badgers, weasels and otters) except domestic ferrets

NON-HUMAN PRIMATES (such as chimpanzees, gorillas, monkeys and lemurs)

PERISSODACTYLA UNGULATES (odd toed hoofed animals such as zebra and rhinoceros)

PINNIPEDS (such as seals, fur seals, walruses)

PROBOSCIDAE (elephants)

PROCYONIDAE (such as raccoons, coatimundi and cacomistles)

RAPTORS (such as eagles, hawks and owls)

RODENTIA (such as porcupines and prairies dogs) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations

SERPENTES (all constrictor snakes such as boa constrictors, pythons and anacondas)

URSIDAE (bears)

VIVERRIDAE (such as mongooses, civets and genets)

OTHER All venomous and poisonous animals, arachnids and reptiles.

Any other animal (exotic, indigenous, domestic), as determined by a Municipal By-law Officer or Animal Control Officer, or Police Officer which may pose a threat and/or danger to the public.

Mayor

CAO Clerk-Treasurer

