

THE CORPORATION OF THE TOWNSHIP OF SCUGOG

BY-LAW NUMBER 13-15

BEING A BY-LAW PROHIBITING OR OTHERWISE REGULATING THE KEEPING OF ANIMALS WITHIN THE MUNICIPALITY OF THE CORPORATION OF THE TOWNSHIP OF SCUGOG

WHEREAS section 11(3) of the *Municipal Act, 2001, S.O. 2001, as amended* ("Municipal Act"), authorizes the Township to pass by-laws respecting animals;

AND WHEREAS section 8(3) of the Municipal Act confers the power upon a municipality to regulate and prohibit respecting a matter, to provide for a system of licences, permits, approvals or registrations respecting a matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS section 11(2) of the Municipal Act confers the power upon municipalities to enact by-laws to provide for the health and well-being of persons and for the protection of persons and property;

AND WHEREAS section 103 of the Municipal Act permits the seizure and impounding of animals being at large or trespassing contrary to the by-law and for the sale of such animals;

AND WHEREAS section 391 of the Municipal Act enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the Corporation of the Township of Scugog enacts as follows:

**Section 1
DEFINITIONS**

For the purposes of this By-law, the term:

- (1) "accredited facility" shall include a business or location that is certified and approved to operate by a government or industry oversight body such as the Canadian Association of Zoos and Aquaria;
- (2) "animal" shall include any member of the animal kingdom, other than a human;

- (3) “animal sanctuary” shall mean a facility where Animals are brought to live and be protected for the rest of their lives. Animals living in the sanctuary shall not have been purchased nor shall they be sold, traded or used for animal testing;
- (4) “at large” shall mean the circumstances in which an animal is found in any place other than on lands owned or lawfully occupied by its Owner and when not under restraint of any Person;
- (5) “Council” shall mean The Council of the Corporation of the Township of Scugog;
- (6) “impound period” shall mean 5 days from the day that an Animal is impounded (not including the day of impound);
- (7) “license” shall mean a license issued by the Township under the provisions of this By-law;
- (8) “livestock” shall include, but is not limited to, any domestic fowl (ie. chickens, ducks, geese, turkeys, swans, ostrich), domestic rabbits (when more than three (3) are kept), ferrets or chinchillas (when more than two (2) are kept), any member of the family equidae (i.e. ponies, donkeys, mules, horses), any member of the genus Bos (i.e. cows, bulls, oxen), or other cattle (i.e. goats, pigs, sheep, llamas, mink, emus, ostrich, boar);
- (9) “minimum care” shall mean the provision of adequate and appropriate food, water, shelter, exercise, attention and veterinary care for an Animal in part, or as a whole;
- (10) “Municipal Clerk” shall mean the Clerk for the Corporation of the Township of Scugog;
- (11) “Officer” shall mean a Police Officer as defined in the *Police Services Act, R.S.O. 1990*, and shall include a Municipal Law Enforcement Officer, special constable, and First Nations Constable;
- (12) “owner” shall mean a Person or their authorized agent who keeps, owns or harbours one or more animals within the Township, and where the owner of the animal is a minor, the person responsible for the custody of the minor;
- (13) “person” shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate and a natural person;
- (14) “prohibited animal” shall mean an animal set out in Schedule “A” of this By-law but shall not include Wildlife;
- (15) “Township” shall mean the Corporation of the Township of Scugog and/or the corporate limits of the Township of Scugog as context requires;

- (16) “veterinarian” shall mean a Person licensed to practice medicine on Animals in the Province of Ontario;
- (17) “wildlife” shall mean an Animal that belongs to a species indigenous to Ontario that is wild by nature, and includes game wildlife and protected wildlife as defined in the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41*;
- (18) “wildlife rehabilitator” shall mean a place where Wildlife that are injured or in distress are rehabilitated or kept by a Person authorized by the Ontario Ministry of Natural Resources or Canadian Wildlife Services;
- (19) “Zone” means a Zone as defined in the Zoning By-law, as amended from time to time.

Section 2 PROHIBITIONS

- 2.1 No Person shall keep, harbour, maintain, or possess any Prohibited Animal.
- 2.2 No Person shall keep, harbour, maintain, or possess any Wildlife.
- 2.3 No Person shall keep, harbour, maintain, or possess any Livestock other than in a Rural Area Zone.
- 2.4 No Owner of an Animal shall allow their Animal to be At Large.

Section 3 EXEMPTIONS

- 3.1 Sections 2.1 and 2.3 shall not apply to:
 - (a) Any facility owned or operated by the Township;
 - (b) any recognized Ontario Society for the Prevention of Cruelty to Animals (OSPCA) or Humane Society facility;
 - (c) the premises of an accredited veterinary hospital under the care of a Veterinarian licensed to practice in the Province of Ontario;
 - (d) with the exception of venomous animals, a permanent or temporary Accredited Facility, provided that a temporary Accredited Facility is limited to no more than seven (7) days at any one location and Animals are safely contained when not on exhibit;

- (e) with the exception of venomous animals, where professionally produced films or television shows require the use of Prohibited Animals, provided there is supervision by inspectors and/or agents of a government or industry oversight body;
- (f) premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, as amended;
- (g) a facility issued a license under this By-law;
- (h) a Person transporting a Prohibited Animal for immediate surrender to an Officer, Veterinarian or Accredited Facility.

3.2 Section 2.2 shall not apply to:

- (a) a Wildlife Rehabilitator;
- (b) Any facility owned or operated by the Township;
- (c) any recognized Ontario Society for the Prevention of Cruelty to Animals or Humane Society facility;
- (d) the premises of an accredited veterinary hospital under the care of a Veterinarian licensed to practice in the Province of Ontario;
- (e) a Person transporting Wildlife for immediate surrender to an Officer, Veterinarian or Accredited Facility.

Section 4 ANIMAL CONTROL

4.1 The Township shall keep a record of all Animals seized and impounded pursuant to this By-law.

4.2 An Officer may seize and impound:

- (a) any Animal found At Large or delivered to the Municipality by a Person who found the Animal At Large;
- (b) any Prohibited Animal not kept pursuant to section 3.1;
- (c) any Wildlife not kept pursuant to section 3.2;
- (d) any Livestock not in a Rural Area Zone.

4.3 When an Animal has been impounded or seized by an Officer:

- (a) such Animal shall remain for a full Impound Period unless said Animal is claimed by its owner and does not require further impoundment by order of the Chief Medical Officer of Health or as may be required by statute;

- (b) if any impounded Animal is not claimed on or before the last day of the Impound Period, an Officer may, at that Officer's discretion and subject to the *Animals for Research Act*, R.S.O. 1990, c.A.22, destroy or sell the Animal.
- 4.4 An Officer may restore possession of an impounded Animal to a person claiming to be the Owner of the Animal only where such person:
- (a) demonstrates that the place in which they intend to keep the Animal is within an area of the Municipality where the keeping of the Animal is permitted; and
 - (b) pays to the Township the impound and daily care fees set out in the "Fees & Charges By-law" together with any other costs incurred by the Township for the housing and care of the Animal, including the cost of any of the veterinary care that the Officer deemed necessary.
- 4.5 Nothing in this By-law shall prevent an Officer from destroying an Animal that is suffering illness or injury.
- 4.6 Where the Officer deems it necessary to euthanize an Animal pursuant to section 4.5, the Officer shall first make every reasonable effort in the circumstance to contact the Owner.

Section 5

LICENSE FOR KEEPING OF PROHIBITED ANIMALS

- 5.1 For the purposes of this By-law, Council delegates its licensing authority and the administration of this By-law to the Municipal Clerk.
- 5.1.1 Without limiting the provisions of this section, the Animal Services Committee as appointed by Council shall remain the deciding authority in the event the Municipal Clerk recommends the refusal, suspension or revocation of a License under this By-law.
 - 5.1.2 The Municipal Clerk may delegate the performance of his functions under this By-law from time to time as required.
- 5.2 An application for a Prohibited Animal License shall be submitted on a form provided and designed for that purpose.
- 5.3 The fee payable for a Prohibited Animal License shall be in accordance with the "Fees and Charges By-law", as amended from time to time, and shall be payable upon submitting an application.

5.3.1 Applications for a new Licence under this By-law, submitted less than six (6) months prior to the expiry date, shall pay half the applicable Licence fee for the remainder of the Licence term, provided that the applicant was not keeping Prohibited Animal(s) before submitting an application.

- 5.4 No Licence issued under this By-law is transferable.
- 5.5 A License shall be valid only for the period of time for which it was issued.
- 5.6 Every holder of a License shall, before the 1st day of November in each year, apply to have their License renewed.
- 5.7 Every License issued in accordance with this By-law shall expire on the 31st day of December in the year in respect of which it was issued.
- 5.8 The Municipal Clerk may impose conditions not specified in this By-law as a requirement of obtaining, holding, or renewing a License.

Section 6 LICENSING REQUIREMENTS

- 6.1 The Municipal Clerk shall have regard to the following criteria when determining whether to issue a Prohibited Animal License:
 - (a) that the location where the Prohibited Animal(s) are to be kept is constructed and maintained to the satisfaction of the Township and/or any other government or industry oversight body;
 - (b) whether keeping Prohibited Animal(s) could pose a risk to the health and safety of residents or Wildlife within the Township;
 - (c) whether the applicant has demonstrated the ability to provide Minimum Care;
 - (d) the applicant is at least 18 years of age;
 - (e) whether the applicant has alternate housing available for Prohibited Animal(s) in the event the license is revoked or when the owner no longer desires to keep the Prohibited Animal(s);
 - (f) whether the property is located within a Rural Area Zone;
 - (g) whether the Prohibited Animal(s) are kept at least three hundred and ten (310) meters from any and all dwellings on any and all other lot or lots;

- (h) whether the applicant resides on the property where the Prohibited Animal(s) are kept;
- (i) whether the applicant has demonstrated they operate as an Animal Sanctuary;
- (j) the class, type, and number of Prohibited Animals being kept;
- (k) whether the applicant carries adequate liability insurance;
- (l) such other matters as may be deemed necessary.

6.2 Upon consideration of an application, the Municipal Clerk may;

- (a) make a recommendation to the Animal Services Committee to deny the issuance of a license;
- (b) issue a license; or
- (c) issue a license subject to any conditions that he/she deems appropriate.

Section 7 LICENSE SUSPENSION, REVOCATION OR REFUSAL

- 7.1 The Animal Services Committee, upon recommendation of the Municipal Clerk, may refuse, suspend or revoke a License where there are reasonable grounds to believe that the applicant or licensee has not conformed to the requirements of this By-law.
- 7.2 The applicant or licensee shall be notified in writing at least ten (10) days before the date and time that Animal Services Committee shall consider the Municipal Clerk's recommendation to refuse, suspend or revoke a License. Where an applicant or licensee fails to attend the meeting, the Committee may proceed with the hearing in their absence.
- 7.3 The Municipal Clerk shall notify the applicant or licensee of the Animal Services Committee's decision in writing within fifteen (15) business days of the decision being made.
- 7.4 Where the Municipal Clerk deems it necessary and in the public interest, he/she may immediately suspend a License prior to the Animal Services Committee's consideration of the Municipal Clerk's recommendation to refuse, suspend or revoke a License, for a period not to exceed twenty (20) days.

**Section 8
ENFORCEMENT**

- 8.1 An Officer may, at any reasonable time, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
- 8.2 No person shall prevent, hinder, or interfere or attempt to prevent, hinder, or interfere with an inspection undertaken by an Officer.

**Section 9
ADMINISTRATION**

- 9.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*.
- 9.2 This By-Law shall be enforced by an Officer.
- 9.3 Where any part of this By-Law conflicts with any other Township by-law, or any federal or provincial legislation, the higher authority or the more strict provision shall prevail where appropriate.
- 9.4 If any section, clause or provision of this By-law is, for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid.
- 9.5 Schedule "A" attached hereto forms part of this By-law.
- 9.6 This By-Law shall be known as the Prohibited Animals By-Law.
- 9.7 This By-law repeals By-law Number 87-08.
- 9.8 This By-law shall come into force and effect on the date of its passing.

Read a First, Second and Third time and finally passed this, 9th day of March, 2015.

MAYOR, Thomas R. Rowett

CLERK, Christopher Harris

SCHEDULE “A” – PROHIBITED ANIMALS

Set in the following tables are the prohibited classes or categories of animals with the specific exceptions provided for each class or category. A class represents the ordering of organisms into groups based on their relationships.

| CLASS | RESTRICTED | EXCEPTION |
|-----------------------|------------|---|
| MAMMALIA (Mammals) | ALL | Domestic dogs, cats, chinchillas, degus, hamsters, mice, rabbits, rats, and sugar gliders. Livestock that are kept in a Rural Area Zone. |

| CLASS | RESTRICTED | EXCEPTION |
|------------------------|------------|---|
| REPTILIA (Reptiles) | ALL | Constricting and non-venomous Serpents (snakes) that are less than two (2) meters in length. Non-venomous lizards that have an expected adult length less than two (2) meters from snout to tip of tail. Testudines (tortoises and turtles) order that are not of the snapping variety. |

| CLASS | RESTRICTED | EXCEPTIONS |
|--------------------------|------------|---|
| AMPHIBIA (Amphibians) | ALL | Non-venomous Anura (frogs and toad) and Caudate (salamanders and newts) |

| CLASS | RESTRICTED | EXCEPTIONS |
|-----------------|------------|---|
| AVES (Birds) | ALL | Orders of birds held as Livestock on property in a Rural Area Zone. Orders of birds kept as household pets including Columbiformes (pigeons and doves), Passeriformes (perching birds and song birds), and Psittaciformes (parrots). |

| CLASS | RESTRICTED | EXCEPTIONS |
|----------------------|------------|--|
| INSECTA (Insects) | ALL | All non-venomous insects including non-venomous Arachnida (spiders) and Chilopoda (centipedes). Apoidea of the honeybee variety on properties in a Rural Area Zone. |

| CLASS | RESTRICTED | EXCEPTIONS |
|--------------------------------|--|------------|
| SALT AND FRESH WATER ORGANISMS | ALL VENEMOUS VERTIBRATES AND INVERTIBRATES | |