

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD
BY-LAW NUMBER 2017-46**

**Being a By-law to regulate or prohibit the keeping of Restricted and, or
Dangerous Animals**

WHEREAS: under the Provision of the Municipal Act R.S.O. (ph 1 to 4 inclusive of section 210) 1990,c.M. 45 permits Councils of Local municipalities to prohibit or regulate the keeping of animals of any class (species) thereof within the Township as defined herein.

- b) Paragraph 7 of Section 236 of the Municipal Act, R.S.O. 1990, c.M. 45 permits councils of local municipalities having a population of less than 100,000 to prohibit or regulate menageries, circus-riding and other like shows exhibited by showmen.
- c) Section 102 of the Municipal Act, R.S.O. 1990, c.M. 45 permits councils of local municipalities to pass such By-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for in the Municipal Act R.S.O. 1990 c.M. 45; and
- d) It is desirable for the public interest, protection and safety that the keeping of certain animals be prohibited or regulated within the geographic limits of the township.

ARTICLE 1

Definition and Interpretation

1.1 Animal

The word animal herein includes mammals, birds and reptiles.

1.2 Exotic Animal

herein refers to any animal that does not have its natural habitat (either customarily or habitually) within Canada.

1.3 Domesticated Animal

herein means any animal that has traditionally been kept as a pet or used for services of work in Canada (See Schedule A)

1.4 Farm Animals, Agricultural Animals

herein as any animals that have been generally kept as livestock on Canadian Farms (See Schedule B)

1.5 Restricted Animals

herein as any animal that is deemed (generally accepted) to be potentially harmful to humans by nature, aggression, venom, toxins or size. (See Schedule C)

1.6 Dangerous Animals

herein as any animal that is deemed (generally accepted) to be potentially harmful to humans by nature, aggression, venom, toxins or size and that require specifically designed, secure enclosures to ensure safe keeping (See Schedule D)

1.7 Endangered Animals

herein as any animals which are listed on the CITES #1 Endangered Species list.

1.8 By-law Enforcement

herein means a person appointed as a Provincial Offences Officer by the Corporation of the Township of Asphodel-Norwood to enforce this by-law

1.9 Township

herein means the municipal boundary of the Township of Asphodel-Norwood

1.10 Enclosure

herein means any cage, container or structure to keep an animal safely confined.

1.11 Kept, Keep, Keeper

herein means the act of having the care, custody control/ possession of an animal.

1.12 Owner

herein means the person who owns the animal and includes any person who keeps, harbors or is in control of the animal within the Township. And where the owner is a minor, the person responsible for the custody of the minor.

1.13 Public Property

herein means any property owned by the Township or any other local board as defined by the Ontario Municipal Affairs Act or any federal or provincial lands.

1.14 Safekeeping

herein means the provision for security in order to prevent any animal from attacking or injuring a person or domesticated animal, or exposing same to infection or disease. Safekeeping also includes the provision of an environment wherein the animal cannot be injured or injected by the enclosure and the said enclosure shall not cause

psychological or mental harm to the animal enclosed as determined if required by a veterinarian or expert with knowledge and experience related to the specific animal.

1.15 Singular, Plural, Masculine, Feminine,
herein means that the words may be interchangeable to context permitted by law.

1.16 Registration

(a) Notification Only – Herein an owner is required to notify the Clerk of the Township that certain animals, as defined in Schedule “C” – Restricted Animals, are being kept within the municipality. There is no charge for the registering of said animals.

(b) License – Herein an owner is required to obtain a licence from the Clerk of Township to permit the keeping of certain animals as described in Schedule “D” – Dangerous Animals, to ensure such animals are kept within appropriate enclosures. This Licence also permits a provincial offences officer or authorized inspector appointed by the Township to inspect said enclosures from time to time.

1.17 Care, Maintenance and Feeding

herein means that all animals must be kept in conditions conducive to good health, including proper temperature, food supply, water supply and maintenance and cleanliness.

1.18 Distrainer

herein means the Animal Control Officer (appointed as a Provincial Offences Officer by the Corporation of the Township of Asphodel-Norwood) who shall have the ability to seize animals and apply fines as applicable.

1.19 Identification

herein means establishing through registration (1.16) the legal name (Latin) and the common name as well as any brands, unique markings, colour, size and age of all animals.

1.20 Noise

herein means any sound made by an animal that is disturbing to a neighbour.

1.21 Parading

herein means the public display of an animal NOT contained in an approved enclosure by way of carrying, holding, or walking of the animal on a leash in a public place.

ARTICLE 2

General Provisions

2.1 Domesticated Animals and Farm Animals

These animals do not form part of this by-law and the regulations set out here do not apply to animals listed on Schedule "A" & "B" herein.

Regulations related to dogs are set forth in by-law 2013-02 and this by-law should be referenced regarding licensing and control of said animals.

2.2 Exotic Animals

Exotic Animals as defined in Article 1.2 are permitted provided the animals are kept with proper safekeeping, care, maintenance and feeding. Animals listed in Schedules "C" & "D" that are "exotic" will require registration and must be kept in care and control of its owner as required by this by-law.

2.3 Dangerous Animals

The keeping of Dangerous Animals as defined in Article 1.6 herein and listed on Schedule "D" is prohibited in the municipality unless the property upon which the Dangerous Animal and its Enclosure is kept is Zoned to include the keeping of Dangerous Animals as a permitted use or an exception has been granted to a Zoning classification that permits the keeping of Dangerous Animals. Notwithstanding any other provision herein any Dangerous Animal maintained in a defined enclosure is also subject to registration, licensing and strict adherence to safekeeping as set out herein for specific types of animals. The owner-keeper is responsible for maintenance, care and feeding of such animals and acknowledges that registration allows for inspection of facilities from time to time and that such inspection is required for safety and community awareness to protect visitors, citizens or service persons such as firefighters, police etc., who may be required to enter private property in emergency situations. Exemptions to 2.3 are listed in Schedule "G" Exemptions.

2.4 Endangered Animals are prohibited

No person shall keep any animal in the Township that is listed on the Convention on International Trade and Endangered Species (CITES Appendix 1- Endangered Species List) if the same has been imported into Canada without the prerequisite permit in accordance with the Convention.

2.5 Parading of Animals

No person shall remove a restricted or prohibited animal from its enclosure or premise upon which the enclosure is maintained for any purpose other than for the maintenance and cleaning of the enclosure, or for the transportation of the animal to a licensed

veterinary clinic. Animals required to be removed from their enclosures for the purpose of cleaning and or veterinary services shall be contained in an approved and secure temporary enclosure and shall remain in the enclosure at all times that the animal is outside of the premise upon which it normally resides. No person shall parade an restricted or prohibited animal within the Township of Asphodel-Norwood. Parading is **prohibited.**

2.6 Noise Restrictions:

No animal defined in this by-law is permitted to create “Noise” that is offensive or irritating to any adjoining neighbor to the owner/keeper’s property

2.7 Licensing Procedures and Renewals:

A license permitting inspection of enclosures is required for all animals designated as dangerous on Schedule “D” The fee for licensing is set out in Schedule “F” and is based on estimated cost of inspection and registration cost to the Township. Each license is valid for two years from its date of issue. At the time of licensing and at each renewal thereafter, the owner is required to submit to the Clerk an inventory (list) of all Exotic Animals kept on the premises. A Registration Form shall be issued for animals listed on Schedule “C” indicating the type and quantity of each individual species listed on the Inventory. It is the owners responsibility to inform the Clerk when any additional animals are added to the inventory.

2.8 Licensing of Schedule “D” Dangerous Animals

A license shall only be issued for the keeping of Schedule “D” Dangerous Animals after an inspection has occurred and been approved and all requirements of Schedule “E” have been met. No License shall be issued for a Schedule “D” Dangerous Animal unless the specific zoning requirements in 2.3 are in place or the animal is kept in a location listed in Schedule “G”

2.9 Display of Registration Form or Licence:

Upon issuance of a Registration Form or License it is the responsibility of the owner to display the Form or Notice on the enclosure or in a prominent place near the enclosure and must be made available to any by-law inspector, police officer, or Township designate.

2.10 Compliance

It is the owners responsibility to ensure compliance with all provisions of this by-law and any order or directive issued by the Township or its designates during an inspection. Exotic Animal owners must comply with all provisions related to safekeeping, care,

maintenance and feeding. Dangerous Animal owner-keepers must comply with all articles and provisions of this by-law.

2.11 Fines

Any person found in contravention of this by-law or who by way of inspection is found to be keeping unlicensed Dangerous Animals is guilty of an offense and upon conviction is liable to pay a fine not to exceed \$5,000.00 exclusive of costs for each offense and every such fine shall be recoverable under the Provincial Offenses Act.

2.12 Inspection/Investigation/Information

The Township and Humane Society has the right to authorize an inspection of the facilities of any licensed animal owner-keeper from time to time. If any complaint of any nature of an infraction related to this by-law is registered with the Clerk then an investigation, including an inspection may take place. The Township reserves the right to include additional agencies/professionals if required to assist with the investigation and/or inspection

2.13 Exempt Facilities

See Schedule "G"

ARTICLE 3

Impounding

3.1 Dangerous Animals, Prohibited Animals or Exotic Animals running at large or being paraded within the Township may be impounded by a designate of the Township. Said animal shall be appropriately kept by a Distrainer so appointed or designated by the Township. Upon the escape of a Dangerous Animal from its enclosure the Township shall notify the Distrainer and/or Animal Control Officer and all local Emergency Services. All animals subject to this by-law that are deemed by inspection to be improperly enclosed or cared for may also be impounded.

3.2 Designated Distrainer or Impounder may include the Animal Control Officer, Peterborough Humane Society, or any person appointed by the Township with facilities to maintain certain impounded animals relative to this by-law.

3.3 Cost – owner liable. Any owner of an animal so impounded, pursuant to this by-law shall pay all appropriate cost to the said distrainer in reference to impounding of the animal, its care and upkeep and all other reasonable costs thereto while in possession of the distrainer/impounder

3.4 Right to kill – Nothing in this by-law shall prevent a control officer, Provincial Offences Officer, Police Officer or any designate of the Township from exercising the right to kill any animal if it is deemed to be dangerous or potentially a danger to any person, domesticated animal, farm animal or property within the Township or neighboring townships or villages. This article also applies if the animal is injured or diseased.

3.5 Disposed – The distrainer/impounder is free at his/her discretion to euthanize any animal impounded and kept by them as is allowed by applicable provincial and federal law.

This By-law comes into force on its passage.

READ A FIRST TIME THIS 25th DAY OF July 2017

READ A SECOND TIME THIS 25th DAY OF July 2017

READ A THIRD TIME AND PASSED THIS 25th DAY OF July 2017

Mayor, Terrence J. Low

Clerk, Candice White

BY-LAW NO. 2017-46

SCHEDULE "A"

Domesticated Animals

(no registration under this by-law is required for these animals)

The following animals are permitted in the Township and do not fall subject to this by-law

1. All tropical fish, marine fish and goldfish
2. All hamsters, gerbils, guinea pigs, domestic rats, mice and rabbits.
3. All domestic parakeets, cockatiels, canaries, finches, lovebirds, parrots and macaws.
4. All non-venomous lizards and turtles and snakes (excluding any listed on Schedule "C" or Schedule "D")
5. Dogs (licensed and regulated under by-law 2017-47)
6. Cats
7. All domestic goats, sheep-, pigs or cattle which must be kept in agricultural zones.
8. Domesticated horse, donkey or ass which must be kept in agricultural zones.
9. Any other domestic animal specifically exempted in any schedule of this by-law.

Note: If an animal is not on this list, then it can only be kept within the Township if it is first identified to the Clerk pursuant to section 1.16

BY-LAW NO. 2017- 46
SCHEDULE "B"
Farm Animals

(No registration is required for these animals under this by-law)

The following animals are permitted only on Agricultural land within the Township and are not subject to this by-law.

1. Cows, Cattle
 2. Sheep
 3. Goats
 4. Horses
 5. Pigs
 6. Donkeys, Mules, Asses
 7. Fowl including Chickens, Geese, Ducks
- And all other animals generally accepted as farm animals.

BY-LAW NO. 2017- 46

SCHEDULE "C"

Restricted Animals

(Registration through notification is required for these animals)

The following animals are permitted in the Township subject to compliance of 1.16

1. All domestic ferrets
2. All de-scented domestic skunks
3. All arachnids (including tarantulas)
4. All rodents kept domestically with the exception of hamsters, white rats, gerbils, guinea pigs or mice.
5. All "exotic" pigs if the same is kept in a dwelling unit

BY-LAW NO. 2017-46

SCHEDULE "D"

Dangerous Animals

Requiring Inspection of Enclosure to Township Specifications and Licensing

The following animals **MAY NOT** be kept in the Township **unless**

- a) Enclosure requirements as set out in Schedule "E" of this by-law have been fully met and,
- b) Registration procedures have been met (see 2.3, 2.4 and any other appropriate paragraph)

ENC denotes the only approved enclosure specifications. These specifications are listed in Schedule "E" and form part of this by-law. **Enclosure requirements and specifications for all other listed Dangerous Animals shall be submitted to the Township for approval prior to construction of any enclosure and before the keeping of said animals in the Township. No enclosure shall be considered for inspection and construction unless the property upon which the enclosure is intended to be kept is zoned appropriately for the keeping of Exotic Animals.** This by-law shall be amended upon approval of appropriate enclosure requirements.

1. All Marsupials (such as kangaroos and opossums) *with the exception of the family Perauridae, species Breviceps (Sugar Glider)*
2. All non human primates (such as gorillas and monkeys)
3. All Felids, except the domestic cat
4. All Canids, except the domestic dog
5. All Mustelids (such as weasels, otters or badgers and skunks) (except domesticated ferrets)
6. All Ursids (bears)
7. All Artiodactylus Ungulates (except domestic goats, sheep pigs or cattle)
8. All Procyonids (such as racoons, coatis and caocmistles)
9. All Hyaenas
10. All Perissodactylus Ungulates (except for the domestic horse, or donkey or ass)
11. All Elephants
12. All Pinniped (such as seals, fur seals or walruses)
13. All Venemous Reptiles (includes snakes and lizards) **ENC**
14. All Ratite Birds (such as ostriches, rheas or cassowaries)

15. All Diurnal and Nocturnal Raptors (such as eagles, hawks or owls)
16. All Edentates (such as anteaters, sloths or armadillos)
17. All Bats
18. All Cockroaches
19. All Crocodilian (such as alligators or crocodiles)
20. All Viverids (such as mongoose, civets or genets)
21. All Pthonidia and Boidae Constrictors including but not limited to the Rock Python, Burmese Python, Reticulated Python and Green Anaconda **ENC**

Note: Specific species of any animal from the Class of animals listed above may, upon application to the municipality, be removed from the designation “Dangerous” with the submission of appropriate documentation and support to warrant such a change in designation. The municipality reserves the right to consult appropriate experts before arriving at such a determination.

BY-LAW NO. 2017-46

SCHEDULE "E"

Dangerous Animals

Approved Enclosure Requirements for Dangerous Animals

Enclosures for Venomous Reptiles

1. Enclosure for venomous reptiles shall be kept as a secure and locked area. All enclosures should be constructed of wood, fiberglass, glass, ABS plastic or metal. Enclosures must be secure and key locked. All enclosures shall be kept within a secured (escape proofed) and locked area. There shall be a sign displaying the words "**LIVE VENOMOUS ANIMALS, DO NOT TOUCH**", which shall be posted outside the secure and locked area and shall include a listing of emergency phone numbers. The owner shall further ensure that appropriate medical attention can be accessed at all emergency locations identified.

Enclosures for Large Constrictors

2. Enclosure for Phthonidia (large Python) and Boidae (Boa) shall be constructed of solid wood no less than ½" thick or fibreglass, metal or PVC plastic of a size to allow movement of the animal. All enclosures must be secured and key locked. All provisions for safekeeping (1.14) and care and maintenance (1.17) must be adhered to.
3. It is required and shall be the responsibility of the owner of venomous reptiles to notify the local fire/rescue department to the fact that venomous animals are being kept within the premises.

BY-LAW NO. 2017-46
SCHEDULE "F"
License Fees

License period: twenty four (24) months

Fee to be paid by the owner for license, inspection, registration and identification of the animal(s) to the Township Clerk. For animal(s) listed on the Schedule "D" (Dangerous Animals) and now having defined enclosure specifications noted with code letters (**ENC**)

	<u>FEE</u>
For the first animal of each species	\$20.00 each
For the second and third animal of each species	\$10.00
For each species the aggregate which exceed three in number	\$30.00 in total
Maximum Licencing fee *	\$200.00 in total

(* regardless of the number of animals, animal species or sub-species held in a single location)

Note: This is not an annual fee. The license and identification is effective for a period of 24 months, after which time application must be made for a new license. Payment of the required fees and compliance with any changes to enclosures must also be complied with at the time the new license is obtained

BY-LAW NO. 2017-46
SCHEDULE "G"
Premises Exemptions

1. The premises of an Animal Control Officer, Provincial Offences Officer, Police Officer exercising their duties or any other person appointed by the Township with facilities to temporarily maintain certain impounded animals relative to this by-law.
2. The premises of any veterinary hospital or veterinary clinic under the supervision of a licensed veterinarian.
3. On premises registered as a research facility pursuant to applicable federal or provincial law.
4. An agricultural society event, as sanctioned by agreement with the Township
5. On premises accredited by the Canadian Association of Zoos and Aquariums (CAZA)
6. The Indian River Reptile Zoo
7. Reptile Feeders production facility