



BY-LAW

2010-49

BY-LAW TO PROHIBIT THE KEEPING OF CERTAIN ANIMALS AND CLASSES OF ANIMALS IN THE TOWNSHIP OF HURON-KINLOSS

WHEREAS pursuant to the Municipal Act S.O. 2001, Ch. 25, Section 11(3), as amended, a lower tier municipality may pass By-Laws respecting animals;

AND WHEREAS The Council for the Township of Huron-Kinloss deems it appropriate to prohibit and/or regulate the keeping of animals or certain animals within the municipality;

NOW THEREFORE the Municipal Council of the Corporation of the Township of Huron-Kinloss enacts as follows:

1.0 **DEFINITIONS for the purposes of this by-law:**

- 1.1 "Animal" means any member of the animal kingdom, other than a human and shall include birds, reptiles and insects.
- 1.2 "Animal Control Officer" – means a person or persons duly appointed by the Council of the Corporation of the Township of Huron-Kinloss to enforce the provisions of this by-law and includes any police officer appointed pursuant to the Police Services Act.
- 1.3 "Captive Bred herpes"- shall mean non-poisonous snakes less than 9' in length.
- 1.4 "Domestic" –shall mean tame animals bred or kept by humans.
- 1.5 "Keep" – shall included the keeping, storing or caring of an animal, or permitting any of the same, temporarily or permanently, for oneself, the owner, or for some other person.
- 1.6 Indigenous creature- shall mean a wild animal brought captive
- 1.7 "Registry" – The Township will maintain an exotic pets registry containing the current details on the exotic animal(s), owner name, address and contact information for exotic animals(s) in possession at the time of passage of this by-law.

2.0 **PROHIBITING THE KEEPING OF CERTAIN ANIMALS**

- 2.1 Except as provided for in Section 4 of this by-law, no person shall keep any animal of a class or species listed in Schedule "A" to this by-law save and except as set out therein.
- 2.2 This by-law does not apply to prohibit the keeping of an animal or a class or species listed in Schedule "A" to this by-law in the following places or circumstances as outlined on Schedule "B";

2.3 The provisions of this by-law shall not be construed as prohibiting the keeping of any of the animals referred to in Schedule "A" if such animal was actually kept within the corporate limits of the Township of Huron-Kinloss at the date of enactment of the by-law, the onus of proof of which shall be upon the person keeping such animal and a registry of such animals will be maintained by the township;

3.0 **PENALTIES**

3.1 Every person who contravenes any provisions of this By-law is guilty of an offence; and,

i) in the case of person who is not a corporation, upon conviction therefore is liable to a fine or penalty of not more than Ten Thousand (\$10,000.00);

ii) in the case of a corporation, upon conviction therefore is liable to a fine or penalty of not more than Sixty Thousand Dollars (\$60,000.00).

4.0 **ENFORCEMENT**

4.1 The Animal Control Officer of the Township of Huron-Kinloss shall be responsible for the enforcement of the provisions of this By-Law.

4.2 The Animal Control Officer may at any time request the assistance of the Ontario Provincial Police in enforcing any provision of this By-Law.

4.3 The duties contained in Section 2.0 of this by-law may also be performed by the Clerk of the Township of Huron-Kinloss or any staff member acting under the Clerk's discretion.

5.0 **MISCELLANEOUS MATTERS**

5.1 Each and every provision of the By-law is severable and if any provisions of this By-Law should, for any reason, be declared invalid or unenforceable by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect and be interpreted in such a manner as the context permits in order to carry out their intent.

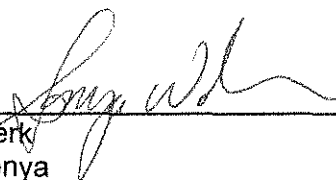
5.2 This By-law shall come into force and effect upon its final passage.

5.3 This By-law may be cited as the "Exotic Pets By-law"

READ a FIRST AND SECOND TIME this 19th day of April, 2010.




Mayor
Mitch Twolan

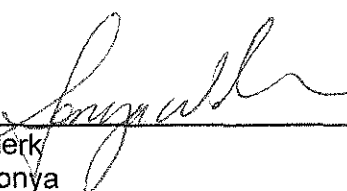


Clerk
Sonya

READ a THIRD TIME and FINALLY PASSED this 21 day of June, 2010.



Mayor
Mitch Twolan



Clerk
Sonya

Schedule "A"

**Being a list of animals of which the keeping is prohibited in the
Township of Huron-Kinloss**

1. All marsupial (such a kangaroos and opossums)
2. All non-human primates (such as gorillas and monkeys) except those monkeys used and kept by physically handicapped persons to assist in their day to day living.
3. All Felids, (such tigers and lions) except the domestic cat
4. All Canidae (dogs) (pitbulls), except the domestic dog
5. All viverrids (such as mongooses, civetc and genet)
6. All urside (bears)
7. All artidoactylus ungulates (even toed hoofed animals such as the camel, hippopotamus, giraffe, antelope, yak) save and except the domestic horse, ass, goats, sheep, swine and cattle
8. All Perissodactylus Ungulates (odd toed hoofed animals, such as the zebra and rhinoceros)
9. All procyonide (such as racoons, coatis and cacomistiles)
10. All hyenas
11. All elephants
12. All pinnipeds (such as seals, fur seals and walruses)
13. All poisonous snakes or herpes other than captive bred herpes
14. All venomous reptiles
15. All ratite birds (such as ostriches, rheas, cassowaries)
16. All diurnal and nocturnal raptors (such as eagles, hawks and owls)
17. All edentates (such as anteaters, sloths and armadillos)
18. All bats
19. All crocodilians, camians and american alligators (such as alligators and crocodiles)
20. All venomous arachnids (such as scorpions, black widows)
21. All Mustelids, such as skunks, weasles, otters and badgers, save and except the domesticated ferret.
22. All indigenous creatures

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting one generality of the group.

Schedule "B"

Being a list of places or circumstances which are exempt from the application of this by-law in the Township of Huron-Kinloss

- a) in a veterinary hospital under the care of a licenced veterinarian;
- b) on the premises of the Ontario Humane Society
- c) on premises registered as a research facility under section 5 of the Animals for Research Act, R.S.O. 1990, Chapter 22 (as amended);
- d) on the premises of an elementary, middle, junior or secondary school operated by the Bluewater Board of Education where such animals are being kept or are made available for research, study or teaching purposes. All person keeping the animals on aforementioned school premises must provide proof of consent of the applicable school board;
- e) by anyone holding a licence under the statute of the Legislature of Ontario or the Parliament of Canada which permits the keeping of animals under stated conditions;
- f) on the premises of a zoo or animal display operated by or on behalf of the Corporation of the Township of Huron-Kinloss
- g) on the premises of locations that are temporarily used for travelling shows such as circus or other like shows;