

The Corporation of the Municipality of Central Elgin

BY-LAW NO. 777

Being a By-law to Prohibit and Regulate the Keeping of Exotic Animals in the Municipality of Central Elgin.

WHEREAS Section 11(1) of the Municipal Act, S.O., 2001, Chapter 25, provides that by-laws may be passed by councils of local municipalities respecting matters pertaining to animals.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CENTRAL ELGIN ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

1. “*Exotic Animal*” shall mean a wild or non domesticated animal whether or not kept in captivity and includes but is not limited to: tarantula, scorpion camel, antelope, giraffe, hippopotamus, wolf, jackal, fox, coyote, bat, alligator, crocodile, armadillo, sloth, leopard, lion, tiger, lynx, panther, puma, cheetah, jaguar, bobcat, ocelot, mongoose, hyena, shrews, moles, bandicoot, kangaroo, opossum, wombat, koala, Tasmanian devil, skunk, marten, polecat, weasel, otters, badgers, mink, fisher, wolverine, tapir, zebra, rhinoceros, seal, walrus, sea lion, ape, lemur, monkey, gorilla, elephant, coati, raccoon, ringtail, eagle, hawk, owl, vulture, falcon, bear, venomous snakes, venomous lizards, python, boa, anaconda, and civet. *Exotic Animal* does not include cats, dogs, deer, elk, rabbits, bison, rodents, horses, cattle, mules, donkeys, ponies, sheep, goats, swine, chicken, geese, turkey, duck, emu, ostrich, llama, homing pigeon, powder pigeon, tumbler pigeon, turtle, chinchilla, non-venomous snake, non-constricting snake, non-venomous lizard, non-venomous spider, cardinal, pheasants, finch, budgie, bulbul, canary, tanagers, amazons, cockatoos, conjures, macaws, parakeets, cockatiels, lorikeet, touraco, toucans, oriels, mynahs, magpies, barbets, ascaris, pied harebells, and chock-of-the-rocks. Where an exotic animal has been bred with a non-exotic animal, the resulting offspring shall be deemed to be an exotic animal for the purposes of this definition;

“Keep” shall mean own, possess or harbour;

“Animal Control Officers” shall mean a person or persons appointed by the Council whose duties shall include the administration and enforcement of the Exotic Animal By-law.

PART II – PROHIBITED REGULATIONS

2. (1) No person shall within the Municipality of Central Elgin, keep an exotic animal.
- (2) Notwithstanding section 2 (1), the prohibition shall not apply to:
 - a) an animal hospital or clinic which is lawfully operated and supervised by a veterinarian licensed by the Ontario Veterinary Association; providing the animals are kept in secure, humane, and escape-proof, cage, tank or enclosure.

3. (1) Applications for temporary exemption from the application of this by-law, with a duration of up to thirty (30) days from the date so granted, may be received by counsel from, among others, traveling circuses, film industries, or persons delivering educational programs.
 - (2) Any application for a temporary exemption from this by-law must be supported by appropriate documentation as to intended use of exotic animal or animals and the grounds under which such exemption is being sought, which documentation should address, among other things, the details of housing of such exotic animal or animals, anticipated care measures in relation to the keeping of such exotic animal or animals while within the Municipality of Central Elgin, and emergency procedures to be implemented relative to the presence of such exotic animal or animals within the Municipality of Central Elgin as well as for any member of the general public potentially adversely affected by the presence of such exotic animal or animals within the Municipality of Central Elgin.
 - (3) Each application for a temporary exemption pursuant to this section will be received and reviewed by Council for the Municipality of Central Elgin on an individual basis. In this regard, Council may consult with a panel of experts in the field of exotic animals and possesses the full and unfettered discretion to either refuse the application for temporary exemption or grant a conditional temporary exemption of a duration of not more than thirty (30) days.
4. (1) Applications for exemptions from the effect of this by-law, to be effective for a period of not less than thirty (30) days and not more than three hundred sixty-five (365) days, may be received and considered by Council for the Municipality of Central Elgin.
 - (2) Any application for an exemption from this by-law and pursuant to this section must be supported by appropriate documentation as to intended use of exotic animal or animals and the grounds under which such exemption is being sought, which documentation should address, among other things, the details of housing of such exotic animal or animals, anticipated care measures in relation to the keeping of such exotic animal or animals while within the Municipality of Central Elgin, and emergency procedures to be implemented relative to the presence of such exotic animal or animals within the Municipality of Central Elgin as well as for any member of the general public potentially adversely affected by the presence of such exotic animal or animals within the Municipality of Central Elgin.
 - (3) Each application for exemption submitted pursuant to this section will be received and reviewed by Council for the Municipality of Central Elgin on an individual basis. In this regard, Council may consult with a panel of experts in the field of exotic animals and thereafter possesses the full and unfettered discretion to either refuse such application or grant a conditional exemption of a duration of not less than thirty (30) days and not more than three hundred sixty-five (365) days.

PART III – ENFORCEMENT

5. Animal Control Officers shall administer and enforce this By-law.

PART IV - FINE

6. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction liable to pay any penalty provided by the Provincial Offences Act.

7. The Court in which a conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and such order shall be in addition to any other penalty imposed on the person convicted.

PART V – OTHER ENFORCEMENT

8. Nothing herein shall limit the power of the Municipality to enforce the terms of this By-law by seeking any other remedy in a Court of competent jurisdiction.

READ a FIRST, a SECOND and a THIRD TIME and FINALLY PASSED this 8th day of August, 2005.



CLERK



DEPUTY MAYOR