

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 2402-2012-PP

**AS AMENDED BY
BY-LAW NUMBER 2429-2012-FI**

BEING A BY-LAW TO PROHIBIT AND REGULATE THE KEEPING OF CERTAIN ANIMALS WITHIN THE TOWNSHIP OF BROCK

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 151 of the Municipal Act authorizes the Township to provide for a system of licences with respect to any business wholly or partly carried on within the Township;

AND WHEREAS section 11(2) of the Municipal Act confers the power upon a 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 and impoundment 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 Brock enacts as follows:

I. Definitions

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

- (1) "animal" means any member of the animal kingdom, other than a human.
- (2) "animal sanctuary" means 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.
- (3) "By-law Officer" means a person appointed by the Council as a Municipal Law Enforcement Officer or a sworn officer of the Durham Regional Police Service.
- (4) "Chief Administrative Officer and Municipal Clerk" means the Chief Administrative Officer and Municipal Clerk of the Township of Brock or his/her designate.
- (5) "Council" means the Council of the Corporation of the Township of Brock.
- (6) "dwelling house" shall mean a permanently affixed building occupied as the home, residence, or living quarters for one or more families, but does not include a mobile home or trailer.
- (7) "licence" means a licence issued by the Township under the provisions of this by-law.
- (8) "livestock" means any domestic fowl (including chickens, ducks, turkeys, guinea fowl, etc.), domestic rabbits (where more than three are kept), any member of the family equidae (includes ponies, donkeys, mules, horses, zebras, asses and mules), any member the genus Bos (including cows, steers, bulls, oxen) or other cattle (including goats, pigs, sheep, llamas, mink, emus, ostrich) used or kept for agricultural purposes.
- (9) "owner" means a person, or the person's authorized agent, who possesses, keeps or harbours animals within the Township, and where the owner is a minor, the person responsible for the custody of the minor.

- (10) "OSPCA" – means The Ontario Society for the Prevention of Cruelty to Animals, including all OSPCA Branches and affiliated societies such as the Durham Humane Society.
- (11) "OSPCA Agent or Inspector" – means a person, persons or class of persons who is or are appointed as an Inspector or Agent under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O 1990, as amended.
- (12) "petting zoo" means a collection of domestic animals that children may pet and feed that are not prohibited animals.
- (13) "Township" means the municipal Corporation of the Township of Brock and/or the corporate limits of the Township of Brock as the context requires.
- (14) "venomous animal" means an animal having a gland or glands for secreting venom and able to inflict a poisoned bite, sting, or wound.
- (15) "wildlife" means any animal that is indigenous to North America, wild by nature or disposition, but does not include the domestic ferret.
- (16) "wildlife rehabilitator" means a place where wildlife that are injured or in distress are rehabilitated by a person or persons authorized by the Ontario Ministry of Natural Resources or Canadian Wildlife Services.

II. Keeping of Livestock

- 1. No person shall keep livestock within the Township except in accordance with the relevant provisions of the comprehensive Zoning By-Law.
- 2. A By-law Officer, or any person acting under the authority of the *Pounds Act*, R.S.O. 1990, as amended, may impound or restrain any livestock running at large.
- 3. In the event that such livestock running at large cannot be safely impounded, a By-law Officer, or any person acting under the authority of the *Pounds Act*, R.S.O. 1990, as amended, may authorize the tranquilizing or euthanasia of such livestock.

III. Keeping of Wildlife

- 1. No person shall, whether temporarily or permanently, keep, harbour, maintain, or possess wildlife.
- 2. Notwithstanding section 1, no person shall keep wildlife unless the keeping of such wildlife is in accordance with Provincial or Federal statutes or regulations.
- 3. No person shall keep wildlife unless such animals are kept within an area zoned Rural (RU) in accordance with the relevant provisions of the comprehensive Zoning By-law.

IV. Keeping of Certain Animals Prohibited

- 1. No person shall, whether temporarily or permanently, keep, harbour, maintain, or possess any prohibited animal in accordance with Schedule "A" attached hereto.
- 2. The provisions of this section shall not apply to:
 - (a) Any facility owned or operated by the Township of Brock;
 - (b) any recognized 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 premise or facility accredited by the Canadian Association of Zoos and Aquaria (CAZA) or a temporary exhibit or show conducted by a CAZA accredited institution for the purpose of education, provided that such exhibit or show is limited to three days at any one location and animals are only present during the educational component;
 - (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 agents of the OSPCA;

- (f) premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, as amended;
- 3. Notwithstanding section 1, a person may keep a prohibited animal listed in Schedule "A", attached hereto, pursuant to the issuance of a license from the Township in accordance with the provisions of this by-law.

V. License for Keeping of Certain Prohibited Animals

- 1. For the purposes of this by-law, Council shall be the licensing authority and decisions of Council shall be final and binding.
- 2. An application for a prohibited animal license shall be submitted on a form provided and designed for that purpose.
- 3. Payment of the sum of one half of the applicable fee shall be payable upon submitting an application, the sum of which shall be applied to the license fee as set out in accordance with the "Fees By-law" as amended from time to time.
- 4. Every owner of a facility licensed under this by-law shall, before the 1st day of November in each year, apply to have their license renewed.
- 5. 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.
- 6. Council shall have regard to the following criteria when determining whether to issue a license to keep prohibited animal(s):
 - (a) that the location where the animal is to be kept is constructed and maintained to the satisfaction of the Township and the OSPCA;
 - (b) whether keeping the prohibited animal could pose a risk to the health and safety of residents or other wildlife and animals within the Township;
 - (c) whether the applicant has demonstrated the ability to provide suitable and adequate care for the prohibited animal;
 - (d) whether the applicant has alternate housing available in the event the license is revoked or when the owner no longer desires to keep the prohibited animal;
 - (e) whether the applicant resides in an area of the Township that is zoned within the Rural (RU) Zone category of the comprehensive Zoning by-law;
 - (f) whether the applicant resides on the property where the animal(s) is kept;
 - (g) whether the applicant has demonstrated they operate as an animal sanctuary;
 - (h) the class, type, and number of prohibited animals being kept; and,
 - (i) such other matters as may be deemed necessary.
- 7. Upon consideration of an application, Council may;
 - (a) deny the issuance of a license;
 - (b) issue a license; or
 - (c) issue a license subject to any conditions that Council deems appropriate.

VI. License Revocation

- 1. Council, upon a recommendation of the Chief Administrative Officer and Municipal Clerk, may revoke a license where there are reasonable grounds to believe that:
 - (a) the keeping of the prohibited animal by the licensee has or will breach this by-law or any other applicable law or regulations, specifically the requirements listed under Article V of this by-law;

- (b) the keeping of the prohibited animal has or will create a public nuisance;
 - (c) the keeping of the prohibited animal has or will infringe the rights or endanger the health or safety of other members of the public; or
 - (d) where the fees and documents for a license or renewal have not been received.
2. Where the Council revokes a license, the owner shall be notified in writing.
 3. Where an owner has been served with a written notice pursuant to this section, he or she may appeal the decision in writing within fourteen (14) days.
 4. Upon receipt of an appeal, the matter shall be referred to Council.
 5. The Chief Administrative Officer and Municipal Clerk shall notify the applicant in writing of the meeting of Council upon which the appeal will be heard. Where an applicant fails to attend such meeting, Council may proceed with the hearing of the appeal in their absence.
 6. The Chief Administrative Officer and Municipal Clerk shall notify the owner of Council's decision in writing within 14 days of the decision being made.

VII. Administration

1. Every person who contravenes any of the provisions of this By-law, or who obstructs or attempts to obstruct a By-law Officer or an employee or agent of the Township in carrying out his or her duties under the by-law is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
2. Schedule "A" attached hereto forms part of this by-law.
3. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of the section shall not be construed as having persuaded or having influenced Council to pass the remainder of the by-law, and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
4. This By-law shall be referred to as the "Exotic Animal By-Law"
5. This by-law shall come into force and effect on the date of passing.

Schedule “A” – Prohibited Animals in the Township of Brock

Set in the following tables are the prohibited classes or categories of animals with 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. Domestic livestock such as goats, sheep, cattle, llamas, pigs, and horses that are kept on property in a rural zone.

Class	Restricted	Exception
Reptilia (Reptiles)	All	Constricting and non-venomous Serpents (snakes) that are less than two (2) meters in length. Non-venomus lizards that reach and adult length of 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	Exception
Amphibia (Amphibians)	All	Non-venomous Anura (frogs and toads) and Caudate (salamanders and newts).

Class	Restricted	Exception
Aves (Birds)	All	Orders of birds held as livestock on property in a rural zone such as, but not limited to, Anseriformes (ducks, geese and swans) Galliformes (chickens, turkeys, domestic fowl and game birds), and Struthioniformes (emus and ostriches). Orders of birds kept as household pets including Columbiformes (pigeons and doves), Passeriformes (perching birds and song birds), and Psittaciformes (parrots).

Class	Restricted	Exception
Insecta (Insects)	All	All non-venomous insects including non-venomous Arachnida (spiders) and Chilopoda (centipedes). Apoidea of the honeybee variety.

Category	Restricted	Exception
Salt and Fresh Water Organisms	All Venemous Vertebrates and Invertebrates	