

THE CORPORATION OF THE TOWN OF GORE BAY

BYLAW 2021-16

BEING A BYLAW TO REGULATE THE KEEPING OF EXOTIC ANIMALS AND DOMESTIC ANIMALS OTHER THAN DOGS

WHEREAS The *Ontario Municipal Act 2001, c. 25 section 8* provides that a municipality interpret this *Act* broadly so as to confer broad authority on the municipality to enable the municipality to govern its own affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS The *Ontario Municipal Act 2001, c. 25 section 10 (2) (9)* provides that a municipality may pass bylaws respecting matters including animals: and

WHEREAS The *Ontario Municipal Act, 2001, c. 25 section 10 (2) (6)* provides that a municipality may pass bylaws respecting the health, safety and well-being of persons;

WHEREAS The *Ontario Municipal Act 2001, c. 25 section 425 (1)* provides that a municipality may pass bylaws providing that a person who contravenes a bylaw of the municipality passed under the *Act* is guilty of an offence; and

WHEREAS The *Ontario Municipal Act, 2001, c. 25 section 8 (3)* provides that a municipality may pass bylaws providing for a system of licensing respecting matters.

WHEREAS The Council of the Town of Gore Bay deems it desirable, for the health, safety and well-being of the public, to enact a bylaw to regulate the keeping of exotic animals and other domestic animals, other than dogs, within the Town of Gore Bay;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GORE BAY ENACTS AS FOLLOWS:

1.0 Definitions

1.1 "Animal" means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept for working purposes or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes duck, geese, swans or other animals that naturally inhabit park areas, protected land or open space.

1.2 "Apiary" means a place where bees and bee keeping equipment are kept.

1.3 "At Large" means to be found in any place other than the premises of the owner of the animal and not under the control of a person in such a manner as to prevent escape; except where the owner permits the animal to be on his or her property.

1.4 "Bees" means insects known as *Apis Mellifera*.

1.5 "Building" means any structure, whether temporary or permanent used or built for shelter, accommodation or enclosure of persons, animals, equipment or materials.

1.6 "Cat" means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat.

1.7 "Control" means care and custody of an animal.

1.8 "Council" means the Council of the Corporation of the Town of Gore Bay.

1.9 "Domestic Animal" means an animal that has been tamed to live with humans that are kept for economic purposes such as meats, dairy products, wool, leather, or for working and sporting purposes. Domestic Animals would include, but not be limited to horses, cattle, sheep, pigs, goats, llamas or alpacas.

1.10 "Domestic Fowl" means any feathered vertebrate animal living in or near the habitation of humans and not being wild; shall include but not be limited to chickens, ducks, geese, turkeys, pigeons but shall not include, song birds or vertebrates commonly kept as domestic pets including domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, ascaris, pied homebills or cock of the rock.

1.11 "Domestic Pet" means a domestic animal, such as a dog or cat kept for pleasure rather than utility purposes.

1.12 "Dwelling Unit" means one room or a group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate housekeeping establishment, in which food preparation and sanitary facilities are provided for the exclusive use of such family, and which a private entrance from outside the building or from a common hallway or stairway inside the building. For the purpose of this bylaw does mean or include a tent, or a room or suite of rooms in a hotel, motel or a tourist home.

1.13 "Endangered Species" means an animal or plant existing in such small numbers that they are in danger of becoming extinct from either natural or human causes.

1.14 "Escape Proof Enclosure" means an enclosure that houses an animal, that prevents the animal from exiting the enclosure without assistance.

1.15 "Feral Cat" means a cat found in the town that has no owner, is not socialized and is extremely fearful or resistant to humans.

1.16 "Keeps" means to own, keep, harbour, maintain or feed an animal.

1.17 "License" means a license issued by the Town, for a fee, to own, harbour or possess an exotic animal identified in schedule "A".

1.18 "Officer" means an officer of the OPP or the Society for the Prevention of Cruelty to Animal or an Animal Control Officer or Bylaw Enforcement Officer appointed by the Council to enforce bylaws.

1.19 "Owner" means any person who keeps, possesses, harbours an animal or allows the animal to remain on their premises, and for the purpose of this Bylaw shall include any person who fosters an animal from a recognized animal shelter or rescue; and where the owner is a minor, the person responsible for the custody of the minor and "owns" has a corresponding meaning.

1.21 "Physically Disabled Person" means a person with any degree of any mental disability or physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes brain injury, paralysis, amputation, lack of physical coordination, blindness, visual impediment or any other condition that is medically diagnosed by a physician.

1.22 "Premises" means the entire lot on which a single dwelling unit building or multi-dwelling unit building is situated.

1.23 "Public Property" means all lands owned by the town, any local boards, any corporations owned or controlled by the town and includes all Crown lands.

1.24 "Recognized Animal Shelter or Rescue" means a not-for-profit or charitable organization, whose mandate and practices are predominantly the rescue and placement of animals and facilitating the spaying or neutering of animals or for animal welfare purposes.

1.25 "Structure" means anything built, erected or constructed of parts joined together or any such erection fixed or supported by the soil or other structure.

1.26 "Therapy Animal" means an animal that is recognized by a physician, that provides a therapeutic or comfort value, or emotional support to the physically disabled owner of the animal.

1.27 "Town" means the Corporation of the Town of Gore Bay.

1.28 "Wildlife" means any animal which is wild by nature and not normally domesticated.

2.0 Prohibitions

2.1 No person shall keep Domestic Animals or Domestic Fowl within the Town, unless it is on property deemed as Rural as identified in Gore Bay Zoning Bylaw 80-19 and that the property has an Ontario Federation of Agriculture, the Ontario Christian Farmers Federation of Ontario or the Ontario Ministry of Agriculture and Food designation as a farm.

2.2 No person shall own, harbour, possess, Keep, sell or offer to sell any Animal listed below as a Pet or for any other purpose or for any period of time.

2.1.1 Prohibited Mammals

- a) Coyotes, wolves, foxes, hybrid wolf dogs – and other Canidae except dogs
- b) Bats such as fruit bats, myotis, flying foxes – and other Chiroptera
- c) Anteaters, sloths, armadillos – and other Edentates
- d) Tigers, leopards, cougars – and other Felidae except domestic cats
- e) Hyenas – and other Hyaenidae
- f) Hares, pikas – and other Lagomorpha except domestic rabbits

- g) Kangaroos, opossums, wallabies – and other Marsupials except sugar gliders derived from self-sustaining captive populations
- h) Mink, skunks, weasels, otters, badgers – and other Mustelidae except domestic ferrets
- i) Chimpanzees, gorillas, monkeys, lemurs – and other non-human primates
- j) Elephants – and other Proboscidae
- k) Coatimundi, cacomistles, raccoons – and other Procyonidae
- l) Porcupines, prairie dogs – and other Rodentia except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations
- m) Bears – and other Ursidae
- n) Mongooses, civets, genets – and other Viverridae

2.1.2 Prohibited Birds

- a) Pheasants, grouse, guinea fowls, turkeys – and other Galliformes
- b) Cranes, rails – Gruiformes
- c) Flamingos
- d) Penguins
- e) Flightless ratites such as ostriches, rheas, cassowaries, emus, kiwis – and other Struthioniformes

2.1.3 Prohibited Reptiles

- a) Alligators, crocodiles, gavials – and other Crocodylia
- b) All snakes that reach an adult length larger than 3 metres
- c) All lizards that reach an adult length larger than 2 metres

2.1.4 Other

- a) All venomous and poisonous animals or spiders.

3.0 Additional Conditions

3.1 Any Owner who Keeps, harbours, owns or possesses the following Animals shall comply by the following conditions:

3.1.1 Bees

- a) Bees are to be kept as per the *Ontario Bee act, R.S.O., 1990, c. B6*.

3.1.2 Household Birds

- a) Any Owner shall keep household birds housed and in Escape-Proof Enclosures.

3.1.3 Horses, Domestic Fowl, Cattle, Goats, Swine, Mink, Sheep and Mules.

- a) No owner shall keep domestic fowl, horses, cattle, bison, goats, swine, mink, sheep, mules or similar livestock within areas defined as Residential within the Town or in single dwelling properties that do not have an Ontario Federation of Agriculture, The Christian Farmers Federation of Ontario or the Ontario Ministry of Agriculture and Food designation as a farm in areas identified as Rural.

3.1.4 Rabbits

- a) Any Owner of rabbit(s) will be allowed to keep a maximum of 2 rabbits in a dwelling unit.
- b) Any Owner of rabbit(s) shall ensure that rabbit(s) are kept in escape-proof enclosures when outside.
- c) Any owner of rabbit(s) in the Town shall not sell any rabbit(s) for food purposes or sell any rabbit(s) by-products.

3.1.5 Pythonidae and Boaidae Snakes

- a) No owner of a Pythonidae or Boaidae snake shall keep any more than a maximum of two (2) snakes in a dwelling unit.
- b) No owner of a Pythonidae or Boaidae snake(s) shall keep the snake(s) in anything other than an escape-proof cage terrarium or other housing device.
- c) No owner of a Pythonidae or Boaidae shall keep an Exotic Pet unless an Exotic Pet Permit has been purchased for each Exotic Pet kept in a dwelling unit.
- d) No owner of a Pythonidae or Boaide shall keep snakes without displaying their Exotic Pet Permit on the outside of their dwelling unit so that is visible to officers and first responders.

4.0 Exceptions

4.1 Section 2.1 shall not apply to the following:

4.1.1 Premises operated by the Ontario Society for the Prevention of Cruelty to Animals.

4.1.2 A veterinary hospital under the control of a licensed veterinarian.

4.1.3 Any person holding a license under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals, identified in section 2.2, under stated conditions.

4.1.4 Any Animal being displayed or exhibited for a set period of time in a Town sanctioned event which is operated in accordance with all of the Town bylaws.

4.1.5 Any professional film production company producing a film in the Town.

5.0 Enforcement

5.1 Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and upon conviction is liable to a set fine as provided for by the *Provincial Offences Act R.S.O. 1990, chapter P. 33*. As amended. (see Schedule ‘‘B’’)

5.2 No person shall hinder or obstruct or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this Bylaw.

5.3 Every person who contravenes any provision of this Bylaw is guilty of an offence and upon conviction is liable to a fine as provide for under *Provincial Offences Act, R.S.O. 1990 p. 33* as amended. (see Schedule ‘‘A’’)

5.4 Persons enforcing this bylaw are permitted to enter onto property to enforce the provisions of this Bylaw as per section 435 of the Act.

6.0 Severability

6.1 If any provision of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part in particular circumstances, the balance of the bylaw or its application in other circumstances, shall not be affected and shall continue in full force and effect.

7.0 Administration

7.1 This Bylaw will be enacted and come into effect upon its passing

7.2 This Bylaw shall be referred to as the Exotic Pet Bylaw.

READ FOR THE FIRST, SECOND AND THIRD TIME AND ENACTED THIS 10TH DAY OF MAY, 2021

.....
MAYOR

.....
CLERK

SCHEDULE "A"
THE TOWN OF GORE BAY BYLAW 2021-16

**BEING A BYLAW TO REGULATE THE KEEPING OF EXOTIC ANIMALS AND
DOMESTIC ANIMALS OTHER THAN DOGS OR CATS**



**TOWN OF GORE BAY
EXOTIC PET PERMIT**

Date:

Issued To:

Type of Exotic Animal:

Issued by:

Signature of Issuer: _____

Permit Fee: \$25.00

This Permit is to be renewed By January 31st of each year.

Note: This permit is being issued as an acknowledgement that the Exotic Animal identified above has been in possession of the applicant prior to the Town of Gore Bay Bylaw 2021-16 coming into effect on May 10, 2021 .

SCHEDULE ‘B’
SET FINES SCHEDULE
TOWN OF GORE BAY BYLAW 2021-16
BEING THE BYLAW TO REGULATE THE KEEPING OF EXOTIC ANIMALS AND
DOMESTIC ANIMALS OTHER THAN DOGS OR CATS
PROVINCIAL OFFENCES ACT
PART 1

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Did keep a domestic animal where prohibited.	2.1	\$250.00
2	Did keep a prohibited exotic pet	2.2	\$250.00
3	Keep more than 2 snakes in a dwelling unit.	3.1.5(a)	\$250.00
4	Improper housing of snakes.	3.1.5(b)	\$250.00
5	Keep snakes without Permit	3.1.5(c)	\$250.00
6	Failure to post a Permit	3.1.5(d)	\$250.00
7	Hinder or obstruct an officer	5.2	\$500.00
8	Attempt to hinder or obstruct an officer	5.2	\$500.00

Note: The penalty provision for the offences indicated above is section 5.1 of this Bylaw 2021-16 of which a certified copy has been filed.