



THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING /
LA CORPORATION DE LA MUNICIPALITÉ DE NIPISSING OUEST

BY-LAW 2014/19

**BEING A BY-LAW TO PROHIBIT, REGULATE AND RESTRICT THE KEEPING
AND EXHIBITION OF EXOTIC, WILD AND NON-DOMESTIC ANIMALS
WITHIN THE MUNICIPALITY OF WEST NIPISSING**

WHEREAS Section 103 and Section 11(4) 9 of the *Municipal Act*, S.O. 2001, as amended, provides that councils of local municipalities may pass a by-law regulating or prohibiting with the respect of the being at-large or trespassing of animals or defined areas thereof;

AND WHEREAS Section 11 (2) 6 of the *Municipal Act*, S.O. 2001, as amended, provides that councils may pass by-laws with respect to the health, safety and well-being of persons;

AND WHEREAS it is desirable that, for the protection of the public and in the public interest and safety, the exhibition of exotic, wild and non-domestic animals as identified on **Schedule “A”** attached hereto and forming part of this by-law; be prohibited on public property within the limits of the Municipality of West Nipissing;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

PART 1 SHORT TITLE

1.1 This By-law may be cited as the ‘Exotic Pet By-law’.

PART 2 DEFINITIONS

2.1 In this By-law:

- (a) “**public property**” means all lands owned by the Municipality, any local boards, any corporations owned or controlled by the Municipality or Conservation Authority and includes all Crown lands.
- (b) “**wild, non-domestic or exotic animal**” means an animal listed on Schedule “A” attached hereto and forming part of this by-law.

PART 3 APPLICABILITY

3.1 This by-law applies to all persons and to the keeping and exhibition of all exotic, wild and non-domestic animals referred to in this by-law on public property within the Municipality of West Nipissing:

3.2 Any person who owns such an animal shall:

- (i) treat it in a humane manner;
- (ii) keep it so that:
 - (a) offensive odours and the transfer of disease are minimized,
 - (b) a female animal in heat does not attract other animals,
 - (c) there is a suitable exercise area for each animal, and
 - (d) the animal cannot readily escape;

- (iii) provide the necessary food, water, appropriate and secure housing and attention as required to keep the animal in good health and free from harm; and
 - (iv) remove forthwith any excrement of the said animal and dispose of it in a sanitary manner.
- 3.3 No person shall possess any venomous or poisonous animals, reptiles and insects within the limits of the municipality.

PART 4 ENFORCEMENT

- 4.1 The provisions of this by-law will be enforced by person(s) appointed by Council as a Municipal By-law Enforcement Officer and includes a police officer.

PART 5 RESTRICTIONS

- 5.1 No person who owns any wild, exotic or non-domestic animal shall permit such animal to be on exhibit or at large within the Municipality of West Nipissing.
- 5.2 For the purpose of this section, an animal is deemed to be at large when:
 - (i) found on a highway/ roadway/walkway or other public property, or on private property other than the premises upon which it is habitually kept.

PART 6 EXEMPTIONS

- 6.1 The provision of this by-law shall not apply to:
 - (i) an animal hospital or clinic lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
 - (ii) a shelter operated by the Humane Society;
 - (iii) the lawful operation of any circus, exhibition, menagerie or carnival; or
 - (iv) a research facility of any person licensed or exempted as an operator of any animal supply facility under the *Animals for Research Act, R.S.O. 1980, c. 22*, as amended;
 - (v) any person who keeps animals in an agricultural area; or
 - (vi) any retail facility/pet store licensed to legally sell such animals

PART 7 PENALTIES

- 7.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act* as shown in the Set Fine Schedule “**B**” attached hereto and forming part of this by-law.

PART 8 EFFECTIVE DATE

- 8.1 This By-law shall come into force on the date of passage by Council.

ENACTED AND PASSED THIS 18th DAY OF FEBRUARY, 2014 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

MAYOR

CLERK

SCHEDULE “A” OF THE EXOTIC PET BY-LAW 2014/19

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING

The following list of animals constitutes “**wild, exotic or non-domestic animals**” for the purposes of the by-law to which this Schedule is attached. The list includes all such animals whether bred in the wild or in captivity and also includes all their hybrids with domestic species. The words in parentheses are intended to act as examples only and are not to be construed as being an exhaustive list or to otherwise limit the generality of each group of animals.

MAMMALS

- ❖ Arachnids (such as Scorpions and Tarantulas)
- ❖ Artiodactylous Ungulates (such as cattle, goats, sheep and pigs)
 - except for the potbellied pigs/mini pigs kept as pets
- ❖ Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs)
 - except the domestic dog
- ❖ Edentates (such as anteaters, sloths and armadillos)
- ❖ Elephantidae (elephants)
- ❖ Erinacidae (except the African pigmy hedgehog)
- ❖ Felidae (such as tigers, leopards, cougars)
 - except the domestic cat
- ❖ Hyaenidae (such as hyenas)
- ❖ Marsupials (such as kangaroos, opossums, wallabies)
 - except sugar gliders derived from self-sustaining captive populations
- ❖ Mustelidae (such as minks, skunks, otters and weasels)
 - except the domestic ferret
- ❖ Non-Human Primates (such as gorillas and monkeys)
- ❖ Pinnipeds (such as seals, fur seals and walruses)
- ❖ Perissodactylous Ungulates (except the domestic horse, donkey, mule and ass)
- ❖ Procyonidae (such as raccoons)
- ❖ Pteropodidae (bats such as fruit bats, myotis, and flying foxes)
- ❖ Raptors, Diurnal and Nocturnal (such as eagles, hawks and owls)
- ❖ Rodentia (such as porcupines and prairie dogs)
 - except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive populations
- ❖ Ursidae (such as bears)
- ❖ Viverridae (such as mongooses, civets and genets)

BIRDS

- ❖ Struthioniformes (flightless ratites such as ostriches, rheas and cassowaries)

REPTILES

- ❖ Crocodilians (such as alligators and crocodiles)
- ❖ ALL snakes which reach an adult length larger than 3 metres
- ❖ ALL lizards which reach an adult length larger than 2 metres

OTHER

- ❖ ALL venomous and poisonous animals, reptiles and insects

SCHEDULE “B”
SET FINES SCHEDULE

THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING
PART 1 *PROVINCIAL OFFENCES ACT*

**By-law 2014/19, TO PROHIBIT, REGULATE AND RESTRICT THE KEEPING AND EXHIBITION
OF EXOTIC, WILD AND NON-DOMESTIC ANIMALS WITHIN THE MUNICIPALITY**

	COLUMN 1	COLUMN 2	COLUMN 3
ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Fail to treat animal in a humane manner	Sec. 3.2 (i)	\$ 125.00
2	Fail to limit offensive odour	Sec. 3.2 (ii) (a)	\$ 125.00
3	Fail to minimize transfer of disease	Sec. 3.2 (ii) (a)	\$ 125.00
4	Fail to ensure that female in-heat animal does not attract other animals	Sec. 3.2 (ii) (b)	\$ 125.00
5	Fail to ensure suitable exercise area for each animal	Sec. 3.2 (ii) (c)	\$ 125.00
6	Fail to ensure that animal cannot readily escape	Sec. 3.2 (ii) (d)	\$ 125.00
7	Fail to provide food, water, appropriate and secure housing to keep the animal in good health and free from harm	Sec. 3.2 (iii)	\$ 125.00
8	Fail to remove and dispose of animal excrement in a sanitary manner	Sec. 3.2 (iv)	\$ 125.00
9	Possession of any venomous or poisonous animals, reptiles and insects within the limits of the Municipality	Sec. 3.3	\$ 125.00
10	Permit animal to be on exhibition within the Municipality	Sec. 5.1	\$ 125.00
11	Permit animal to be at large within the Municipality	Sec. 5.1	\$ 125.00

NOTE: Penalty provision for the offences indicated above is Part 7 of By-Law 2014/19 a certified copy of which has been filed.