

By-law 58-2024

THE CORPORATION OF THE MUNICIPALITY OF WEST PERTH

Being a By-law to Prohibit or Otherwise Regulate the Keeping of Certain Animals Within the Municipality of West Perth.

Whereas pursuant to the Municipal Act, S.O. 2001, c.25 as amended (hereinafter called “the Act”), empowers all councils of a local municipality to pass by-laws to regulate or prohibit the keeping of animals or any class thereof within the municipality or defined area thereof; and

Whereas pursuant to Sections 11 (2) and (3) of the Act, a lower tier municipality may pass By-laws respecting the health, safety and well-being of persons protection of persons and property, consumer protection and animals; and

Whereas s.103(1) of the Act provides that a municipality may pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and may provide for the seizure, impounding and sale of such animal being at large or trespassing contrary to the by-law; and

Whereas s. 391 of the Act authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

Whereas pursuant to Section 425 of the Act, authorizes a municipality to pass By-laws providing that a person who contravenes a By-law of the municipality is guilty of an offence; and

Whereas pursuant to Section 436 of the Act, provides that the municipality has the power to pass By-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with the By-law, direction, order or condition of a license; and

Whereas pursuant to Section 444 of the Act, authorizes the municipality to make orders if a municipality is satisfied that a contravention of a By-law of the municipality passed under the Act has occurred, requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

Whereas pursuant to Section 445 of the Act, provides that if a municipality is satisfied that a contravention of a By-law of the municipality passed under the Act has occurred, the municipality may make an order requiring the person who contravened the By-law or caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention; and

Whereas pursuant to Section 446 of the Act, authorizes the municipality through a By-law to require, in default of required matter or thing being done, that the work may be done by the municipality at the expense of the person required to do it and the cost may be added to the tax rolls and collected in the same manner as taxes; and

Whereas it has been deemed necessary to prevent a nuisance by restricting or prohibiting certain animals in certain areas and further to protect the health and safety of the public from certain animals;

Now therefore be it resolved that the Council of the Corporation of the Municipality of West Perth enacts as follows:

PART I – TITLE, INTERPRETATION & SEVERABILITY

1. This By-law may be cited as the “Exotic Animal By-law”.
2. This By-law shall apply throughout the whole of the Municipality of West Perth, here and after called “the Municipality”.

3. Schedules attached to this By-law form a part of the By-law.
4. Where there is a conflict between a provision of this By-law and a provision in any other By-law of the Municipality, it shall be at the discretion of the Officer to determine which By-law shall apply. Any provincial or federal legislation or regulation that imposes a higher standard shall supersede this By-law.
5. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

PART II – DEFINITIONS

6. Definitions

- 6.1. **Animal** shall mean any member of the animal kingdom, other than human, but does not include a dog or cat;
- 6.2. **At Large** shall mean that an Animal is found at a place other than the premises of the Owner of the Animal and not under the control of any Person;
- 6.3. **Animal Clinic** shall mean a building where animals are diagnosed and treated for illness by a registered veterinarian, and where animals can be temporarily housed within the clinic, and includes accessory services, but does not include a commercial kennel as defined in the Municipality's Zoning By-law as may be amended from time to time;
- 6.4. **Business** shall include a sole proprietorship, partnership, limited partnership, trust, corporation, non-profit and an individual in their capacity as a trustee, executor, administrator, Roadside Attraction, or other legal representative;
- 6.5. **Council** shall mean the Council of the Corporation of the Municipality of West Perth;
- 6.6. **Grandfather or Grandfathered** shall mean the lawful keeping of any Animal listed in Schedule A of this By-law provided such Animal was lawfully kept within the Municipality prior to the prohibition;
- 6.7. **Municipality** shall mean the Corporation of the Municipality of West Perth;
- 6.8. **Officer** shall mean a Municipal Law Enforcement Officer, Police Officer, Animal Welfare Inspector appointed under the Provincial Animal Welfare Services Act, 2019, S.O. 2019, c. 13, or other person appointed by the Municipality to enforce the by-laws of the Municipality;
- 6.9. **Owner** shall mean the Person or Business who owns, keeps, possesses, harbours or acts as a guardian of an Animal for any length of time, whether or not that Person has a license for the Animal. Where the Owner is a minor, the Person responsible for the custody of the minor shall be deemed to be the Owner;
- 6.10. **Person** shall include an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in their capacity as a trustee, executor, administrator, or other legal representative;
- 6.11. **Professional Standards** shall mean professional standards for Animal housing, husbandry, care, safety, handling, transport and other areas which have been established by reputable professional zoo and sanctuary bodies and which are generally considered to be authoritative statements in their industry;
- 6.12. **Proof** shall mean documentation signed by a qualified veterinarian attesting to the age

of the Animal together with purchase documents, such purchase documents being in an original form and identifying the Animal, the name and the address of the Pet Shop or person from whom the Animal was purchased, the date the Animal was purchased, the purchase price and the name and address of the purchaser, or medical records and identifying the Animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the Animal. Such records must clearly establish ownership of the Animal in question prior to the date of passage of this By-law and further that the Owner and Animal resided in the Municipality at such time;

- 6.13. **Roadside Attraction** shall mean a facility, establishment, or site that is designed or exists, whether by intent or not, to attract visitors by displaying, exhibiting, or housing live animals for public viewing, interaction, or entertainment. This may include, but is not limited to, petting zoos, animal sanctuaries, exotic animal exhibits, or similar attractions.
- 6.14. **Wildlife Exhibit** shall mean a place where Animals are kept in captivity, or regular or occasional display, to persons, for any purpose, and where the animals and such persons are physically segregated from each other by fixed barriers, whether or not an admission fee is charged or donated are accepted.

PART III – REGULATION OF EXOTIC ANIMALS

7. Offences

- 7.1. Except as provided in Section 8 of this By-law or any federal or provincial legislation, No Business shall own, possess, harbour, or in any other manner keep any Animal listed in Schedule A of this By-law.
- 7.2. No Business shall keep, offer, give, sell, breed or trade Animals listed in Schedule A of this By-law except where provided for under the provisions of this By-law or any federal or provincial legislation.

8. Grandfathered Animals

- 8.1 Any Business who owns, possesses, harbours or in any other manner keeps any Animal listed in Schedule A of this By-law shall remove the Animal or make application and at the discretion of the Clerk, provide the Municipality with Proof that the Animal was lawfully Owned prior to the prohibition, within ninety (90) days of a prohibition of the keeping of an animal. Upon being satisfied that the Animal was lawfully owned prior to the prohibition, the Municipality or designate may deem the Animal and its Owner to be “Grandfathered” and enter such information pertaining to the Animal and its Owner into a registry of Grandfathered Animals. A Grandfathered Animal may be kept until it has died or has otherwise been disposed of.
- 8.2 Any Business requesting an exemption under Section 8.1 must provide the Municipality with a photograph of the Animal and a description of the Animal that allows it to be positively identified, including any permanent markings such as tattoos, microchips or other identification methods.
- 8.3 Any Business requesting an exemption under Section 8.1 is subject to compliance with all other municipal, provincial and federal legislation, regulations, rules and agreements, including but not limited to the Municipality of West Perth Zoning By-law, as amended and Ontario Building Code, as amended.
- 8.4 The Owner of the Animal deemed to be Grandfathered shall comply with any special terms or conditions on the keeping of the Grandfathered Animal, imposed, at their discretion, by The Corporation of the Municipality of West Perth.
- 8.5 Any Business requesting an exemption under Section 8.1 must provide a written

undertaking stating that they will take all measures, at all times, that are reasonably required to ensure that the Animal does not constitute a danger to any member of the public and that the Animal be housed according to recognized Professional Standards.

- 8.6 Where any Animal deemed to be Grandfathered under Section 8.1 is considered dangerous, potentially dangerous, improperly or unsafely housed, enclosed or cared for, the Municipality may, at its discretion, revoke the Grandfather status of the Animal.
- 8.7 The Owner of the Animal deemed to be Grandfathered shall, prior to relocating the Animal, notify the Municipality of the new location and confirm that the new location complies with any special terms or conditions imposed under Section 8.4 and/or Section 8.5 of this By-law.

9. Exemptions

- 9.1. This By-law shall not apply to an Officer in the performance of their duties.
- 9.2. This By-law shall not apply to an Animal Clinic as permitted under the Municipality of West Perth's Zoning By-law.
- 9.3. This By-law shall not apply to a shelter or a branch of the Humane Society, or any pound used by the Municipality for the temporary housing of Animals.
- 9.4. This By-law shall not apply to a Wildlife Exhibit owned, permitted, licensed or operated by the Municipality.
- 9.5. This By-law shall not apply to native wildlife species licensed in accordance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41, as amended, and exempts only those Animals described and listed on individual provincial licenses.
- 9.6. This By-law shall not apply to domesticated Animals in agricultural fairs, shows or exhibits.
- 9.7. This By-law shall not apply to premises registered as research facilities under the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended.

10. Impounding, Release and Fees

- 10.1. An Officer may take into their custody and impound any Animal listed in Schedule A found to be At Large, at the discretion of the Officer, and such Animal may be released to a bona fide zoo or other facility authorized to keep and care for such Animals as that facility may include a facility named under the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended.
- 10.2. An Officer may take into their custody and impound any Animal Grandfathered under Section 8.0 of this By-law, found to be At Large, at the discretion of the Officer, and such Animal may be released to a bona fide zoo or other facility authorized to keep and care for such Animals as that facility may include a facility named under the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended.
- 10.3. An Officer may take into their custody and impound any Animal listed in Schedule A found to be a danger to the public, at the discretion of the Officer, and such Animal may be released to a bona fide zoo or other facility authorized to keep and care for such Animals as that facility may include a facility named under the Animals for Research Act, R.S.O. 1990, c. A. 22, as amended.
- 10.4. An Officer may take into their custody and impound any Animal Grandfathered under Section 8.0 of this By-law, found to be a danger to the public and/or improperly housed, enclosed or cared for, at the discretion of the Officer, and such Animal may be released to a bona fide zoo or other facility authorized to keep and care for such Animals as that

facility may include a facility named under the Animals for Research Act, R.S.O., c. A. 22, as amended.

- 10.5. An Animal may be released to its Owner provided satisfactory Proof that the Animal shall be removed from the Municipality forthwith is provided to the Municipality and that all applicable fees and any expenses incurred by the Municipality associated with the impounding and keeping the Animal have been received by the Municipality.
- 10.6. The fee for impounding and keeping the Animal shall be established in the Municipality's User Fees and Charges By-law, as amended.
- 10.7. After the expiry of five (5) consecutive days where an Animal has not been restored to its Owner after reasonable effort has been made to locate such Owner, an Officer may destroy the Animal in a manner that the Officer considers reasonable, desirable and humane, and is in keeping with the limits allowed by any provincial and federal legislation, or relocate the Animal to a bona fide zoo or other facility authorized to keep and care for such Animals.

11. Authority

- 11.1. This By-law shall be administered by the Clerk or any such Person appointed by the Municipality for that purpose.
- 11.2. This By-law may be enforced by a Municipal Law Enforcement Officer (MLEO) or any other Person appointed by the Municipality for that purpose.
- 11.3. An Officer shall be permitted to enter on land at any reasonable time for the purpose of enforcing this By-law and any orders or conditions imposed under the authority of this By-law.
- 11.4. The Officer, or Person designated by Council, who enters land or premises to enforce this By-law may take with them such other person as they consider advisable to assist.
- 11.5. The Officer or Person exercising a power of entry on behalf of the Municipality under this By-law must, upon request, display or produce proper identification.

12. Orders

- 12.1. Where the Municipality is satisfied that a contravention of this By-law has occurred, the Municipality may make an order requiring the Person who contravened this By-law, or caused or permitted the contravention, or Owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity or to do work to correct the contravention.
- 12.2. An order under this By-law shall set out:
 - a. Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - b. The date by which there must be compliance with the Order.
 - c. The work to be done and the date by which the work must be done.
- 12.3. Any Person who contravenes an order under Section 12.2 of this By-law is guilty of an offence.
- 12.4. If a Person fails to do a matter or thing, including comply with an order under this By-law, as directed or required by this By-law, the Municipality may, in default of it being done by the Person directed or required to do it, do the matter or thing at the Person's expense. The Municipality may recover the cost of doing a matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same matter as municipal taxes.

13. Service of Orders

13.1. An order under this By-law shall be served personally or by registered mail. A copy of the order may also be:

- a. Emailed to the last known email address of the Person to whom the order is directed;
- b. Deposited in a mailbox or mail slot of the Person to whom the order is directed; or
- c. Sent by pre-paid regular mail to the last known address of the person to whom the order is directed.

13.2. Where service is made by:

- a. Registered mail, it shall be deemed to be made on the second (2nd) day after the date of mailing;
- b. Personal service shall be deemed to be made on the day the order, notice or decision served was delivered.

14. General Offence Provision

14.1. No Person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-law.

14.2. No Person shall hinder or obstruct, or attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power under this By-law.

14.3. Every Person shall comply with an order or notice issued under the authority of this By-law.

15. General Penalty Provision

15.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, 1990, as amended.

15.2. Each day on which a Person contravenes any provision of this By-law shall be deemed to constitute a separate offence under this By-law as provided for in Section 429(2) of the Act, as amended.

16. This By-law shall come into full force and effect on April 01, 2025.

Read a first and second time this 18th day of February 2025.

Read a third and final time and finally passed this 18th day of February 2025.

Mayor Walter McKenzie

Clerk Daniel Hobson

By-law 58-2024 Schedule “A”

Animals Prohibited or Dangerous

- All endangered or protected animals, whether native or non-native to Canada, whose possession, sale or trade is prohibited because they are designated as protected, endangered, threatened, vulnerable or of special concern pursuant to an international, federal, provincial law, regulation, rule or agreement.
- Non-human Primate (lemur, monkey, ape)
- Canidae (wolf, coyote, fox), except domesticated dog (*Canis familiaris*)
- Felidae (lion, tiger, leopard, lynx, ocelot, serval), except domesticated cat (*Felis catus*)
- Ursidae (bear)
- Hyaenidae (hyena)
- Marsupialia (kangaroo, wallaby, opossum)
- Procyonidae (raccoon, coatimundi, ringtail)
- Mustelidae (badger, otter, polecat, weasel, marten), except domesticated ferrets (*Mustela putorius furo*)
- Mephitidae (skunk)
- Herpestidae (mongoose)
- Viverridae (civet, genet)
- Hyrdoidea (hyrax)
- Erinacidae (hedgehog)
- Xenarthra (anteater, tree sloth, armadillo, tamandua)
- Lagomorpha (hare, pika, rabbit), except domesticated rabbit (*Orycto/agus cunicu/us domesticus*)
- Rodentia (prairie dog, giant rat, capybara), except domesticated rodent species that do not exceed 1500 grams when adult.
- Perissodactyla (zebra, tapir, rhinoceros, Przewalski's horse)
- Artiodactyla (hippopotamus, camel, giraffe, peccary)
- Proboscidea (elephants)
- Pinnipedia (seal, sea lion, walrus)
- Chiroptera (bats)

Birds

- Falconiformes (hawk, eagle, harrier, osprey)
- Strigiformes (owl)
- Cathartidae (vulture, buzzard)

- Ratites (ostrich, rhea, emu, cassowary)
- Galliformes (Ungulifowl, quail, pheasant, guineafowl, chicken), except domesticated species or varieties.
- Anseriformes (duck, geese, swan), except domesticated species or varieties.
- Psittaciformes (parrots), except budgie, cockatiel, monk parakeet (Quaker parrot), Rosy-faced lovebird, Yellow-collared lovebird, Fischer' lovebird.

Reptiles, Amphibians, Fish & Invertebrates

- Crocodylia (crocodile, alligator, caiman, gavial)
- Testudines (turtles, terrapins and tortoises)
- Varanidae (monitor lizard)
- Teiidae (tegu lizard)
- Iguanidae (iguana)
- Pythonidae (reticulated python, ball python)
- Boidae (boa constrictor, yellow anaconda)
- Venomous snakes and lizards
- Marbled crayfish (*Procambarus virginalis*)

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



By-law 58-2024 Schedule "B"

**Exotic Animal By-law
Municipality of West Perth
Part I Provincial Offences Act**

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ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining Offence	COLUMN 3 Set Fine
1	Own, possess, harbour or keep any prohibited Animal	s. 7.1	\$ 400.00
2	Sell, offer, give, sell, breed or trade any prohibited Animal	s. 7.2	\$ 400.00
3	Contravene an Order	s. 12.3	\$ 500.00
4	Give false information/statement	s. 14.1	\$ 500.00
5	Hinder/Obstruct an Officer	s. 14.2	\$ 500.00

"NOTE: the penalty provision for the offences indicated above is section 15.1 of By-law No. 58-2024, a certified copy of which has been filed".