

The Corporation of the Municipality of Lambton Shores

By-Law 31 of 2019

Being a by-law to prohibit or otherwise regulate the Keeping of certain animals within the Municipality of Lambton Shores

WHEREAS pursuant to the Municipal Act, S.O. 2001, c.25 as amended, empowers 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 Section 11 (3) of the Municipal Act, 2001, S.O. 2001, c.25, 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 Section 436 of the Municipal Act, 2001, S.O. 2001, c. 25 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 a By-law, direction, order, or condition of license;

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 endangered or dangerous animals;

THEREFORE the Council of the Municipality of Lambton Shores enacts as follows:

1. Definitions

In this by-law:

Animal means any member of the animal kingdom, other than human, but does not include a dog or cat.

At Large means found at a place other than the premises of the owner of the animal and not under the control of any person.

Council means the Council of the Corporation of the Municipality of Lambton Shores.

Municipality means The Corporation of the Municipality of Lambton Shores.

Officer means a Municipal By-Law Enforcement Officer.

Owner means the owner or person who owns, keeps or harbours an animal and where the owner is a minor, the person responsible for the custody of the minor.

Person in addition to its regular meaning, includes an individual, firm, proprietorship,

partnership, association, syndicate, trust, corporation, department, bureau and agency or any director, officer, manager or person in charge of such entity or the collecting of rent of any property, or any other person who is the occupier of the property.

Proof means 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 address of the pet store 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 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 that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal, and also clearly establish that the owner and animal resided in the Municipality at such time.

“Veterinarian” means a veterinarian and shall include caretakers and inmates of a recognized Animal Care Centre where a veterinarian normally carries on business.

2. Offences

- 2.1 No person shall own, possess, harbour or in any other manner keep any animal 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.
- 2.2 No person shall sell, offer for sale or display for sale any 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.
- 2.3 No person shall import or export any Animal 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.
- 2.4 Sections 2.1, 2.2 and 2.3 shall not apply to:
 - a) an Officer or Provincial Offences Officer in the performance of their duties;
 - b) a qualified Veterinarian treating any such Animal that is not his or her property at a recognized animal care facility;
 - c) mobile zoos or reptile displays for educational purposes

3. Impounding and release

- 3.1 An Officer, or Provincial Offences 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 and that facility

may include a facility named under the Research Animals Act.

- 3.2 An Officer, or Provincial Offences 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 and that facility may include a facility names under the Research Animals Act.
- 3.3 An Animal may be released to its owner provided proof that the Animal shall be removed from the Municipality forthwith is provided and the applicable fee for impounding and keeping the Animal has been received by the Municipality.
- 3.4 The fee for impounding and keeping of an Animal shall be as established in the Municipality's User Fees & Service Charges Bylaw.
- 3.5 After the expiry of five (5) consecutive days where an Animal has not been restored to its Owner after a reasonable effort has been made to locate such Owner, the 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 or Federal Statute or relocate the animal to a bona fide zoo or other facility authorized to keep and care for such Animals.

4. Administration and enforcement

- 4.1 This by-law shall be administered by the Municipal By-Law Enforcement Officer(s) of the Municipality or such person or persons as Council may, by By-law, appoint.
- 4.2 This by-law shall be enforced by the Municipal By-Law Enforcement Officer(s) of the Municipality or such person or persons as Council may, by By-law, appoint.
- 4.3 The Municipal By-Law Enforcement Officer(s), or person designated by Council, who enters land or premises to enforce this By-Law may take with him or her such other person as he or she considers advisable to assist.

5. Right of entry

- 5.1 An Officer or person designated by Council shall be permitted to enter onto land at any time for the purpose of enforcing this Bylaw and any orders or conditions imposed under the authority of this By-law.
- 5.2 A person exercising a power of entry on behalf of the Municipality under this By-law must, upon request, display or produce proper identification.

6. Penalties

- 6.1 Any 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.

- 6.2 Every person who is convicted of an offence under this by-law shall be subject to a fine of not more than five thousand dollars (\$5,000.00) for each offence. Such fines shall be recoverable under the Provincial Offences Act.

7. Continuing offence

- 7.1 Each day that a situation as described in Sections 2 of this bylaw is allowed to continue shall constitute a separate offence under this by-law and any Judge or Justice of the Peace adjudicating on such matter may assess a separate fine for each and every day that such situation has been allowed to continue.

8. Obstruction

- 8.1 In accordance with the provisions of the Municipal Act S.O. 2001, c. 25, as amended, no person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an Officer, employee of the Municipality and/or agent in the lawful exercise of a power or duty under this by-law.
- 8.2 Any person who has been alleged to have contravened any of the provisions of this by-law, who fails to identify himself/herself shall be deemed to have obstructed or hindered the person exercising a power or performing a duty under this by-law.

9. Municipality not liable

- 9.1 The Municipality assumes no liability for property damage, damage to animal or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any person, animal or property that is subject of this by-law.

10. Validity and severability

- 10.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole.

11. Short Title

- 11.1 The short title of this by-law is the Exotic Animal By-Law.

12. Date effective

- 12.1 This by-law shall come into force and take effect immediately upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 15th day of April, 2019.

Mayor

Clerk

Schedule 'A' to By-Law 31-2019

Class of animal and common names

(Common names are provided for illustration purposes only and are not intended to limit the extent of the classes of animals referred to in this schedule)

Mammals

Canidae (such as coyotes, wolves, foxes, hybrid wolf dogs) except domestic dogs

Chiroptera (bats such as fruit bats, myotis, flying foxes)

Edentates (such as anteaters, sloths, armadillos)

Felidae (such as tigers, leopards, lions, cougars) except domestic cats

Hyaenidae (such as hyenas)

Lagomorpha (such as hares, pikas) except rabbits

Marsupials (such as kangaroos, opossums, wallabies)

Mustelidae (such as mink, skunks, weasels, otters, badgers) except ferrets

Non-human primates (such as chimpanzees, gorillas, monkeys, lemurs)

Proboscidae (elephants)

Procyonidae (such as coatimundi, cacomistles)

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 (bears)

Viverridae (such as mongooses, civets, genets)

Reptiles

Crocodylia (such as alligators, crocodiles, gavials)

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 and arachnids

**Schedule “B” to By-Law 31 of 2019
Part 1 Provincial Offences Act
Set Fines**

Table 1. Set Fines for Exotic Animals By-Law

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	Section 2.1	\$400.00
2.	Sell, offer for sale or display for sale any prohibited animal	Section 2.2	\$400.00
3.	Import or export any prohibited animal	Section 2.3	\$400.00
4.	Obstructing an Officer or Agent	Section 8.1	\$400.00

The penalty provision for the offences cited above is section 6 of by-law number 31-2019. A certified copy of which has been filed.