

**THE CORPORATION OF THE TOWNSHIP OF  
OTONABEE-SOUTH MONAGHAN**

**BY-LAW NUMBER 2014-69**

Being a By-law to Prohibit and Regulate the keeping of "**Exotic Animals**"  
within the Township of Otonabee-South Monaghan

---

**Whereas the Municipal Act, S.O. 2001, c.25 Section 11 (3)(9)**, assigns the sphere of jurisdiction of "Animals" to lower tier municipalities;

**And Whereas** Council of the Township of Otonabee-South Monaghan deems it desirable, for the protection of the public and in the public interest, to pass a by-law to prohibit the keeping, exhibition and transportation of exotic, wild and non-domestic animals within the geographic limits of the Township of Otonabee-South Monaghan;

**Now Therefore** the Council of the Corporation of the Township of Otonabee-South Monaghan enacts as follows:

**Short Form Title**

1.1 This By-law shall be referred to as the "**Exotic Animal By-law.**"

**Definitions**

2.1 For the purposes of this By-law:

**"Animal"** means a live, non-human vertebrate, but does not include a dog;

**"At Large"** means an animal shall be deemed to be running at large when found in a place other than the premises of the owner of the animal and not under the control of any person when it is not held on a restraint by means of a leash;

**"Clerk"** means the Clerk of the Corporation of the Township of Otonabee-South Monaghan or designate;

**"Council"** means the Council of the Corporation of the Township of Otonabee-South Monaghan;

**"Domesticated"** means tame animals bred or kept by humans;

**“Exotic Animal”** means any animal not indigenous to Canada and/or not commonly kept as a household pet in Canada whether or not such animal is classified as wild. See also Schedule “A”;

**“Escape Proof Enclosure”** means a cage, box or other enclosed container from which an animal cannot escape without human intervention and from which no part of the animal can protrude or extend;

**“Menagerie”** means a collection of wild animals in captivity;

**“Municipal By-law Enforcement Officer”** means any persons appointed as Municipal By-law Enforcement Officers by the Township, Police, Animal Control Officers, SPCA Agents or Inspectors, or such other designated individual or corporation as approved by the Clerk for the enforcement of this By-law.

**“Not Under the Control of Any Person”** means not held on a leash by the owner or any other person or not tied up or contained;

**“Owner”** means any person who owns, possesses, harbours or has custody or an Exotic Animal and, where the owner is a minor, the person responsible for the custody of the minor. Owner shall also include a person who is temporarily the keeper of the animal;

**“Permissible Animals”** means an animal that is allowed or permitted such as: domesticated dogs, cats, goats, sheep, pig, cattle, horses, mules, donkeys, jackasses, llamas, alpacas, ferrets, guinea pigs, hamsters, mice, rats, degu, chinchilla, gerboa, hedgehogs and rabbits.

**“Person”** means any individual, corporation, partnership, company, association or party and the heirs, executors or administrators;

**“Prohibited Animals”** means any exotic animals prohibited in the Township of Otonabee-South Monaghan as set out in Schedule “A” to this By-law ;

**“SPCA”** means the *Society for the Prevention of Cruelty to Animals*.

**“Township”** means the Corporation of the Township of Otonabee-South Monaghan.

### **Prohibition**

- 3.1 Except as provided in Section 4 of this By-law, the keeping or harbouring of any Exotic Animal as listed in Schedule "A" to this By-law is prohibited anywhere in the Township of Otonabee-South Monaghan.
- 3.2 No person shall exhibit or transport any Exotic Animal within the Township except as expressly provided in this by-law.

### **Exemptions**

- 4.1 It is permissible to keep any Exotic Animal of the kind listed in Schedule "A" to the By-law in the following places or circumstances:
  - a. Research facilities under The Animals for Research Act, R.S.O., 1990, C.A. 22 as amended, or any successor legislation;
  - b. In a veterinary hospital under the care of a licensed veterinarian;
  - c. In a designated pound or shelter;
  - d. At a farm operation involving alternative livestock animals where such use is permitted by the Township of Otonabee-South Monaghan Zoning By-law and providing that the animals are kept in secure, humane and escape-proof cage, tank, or enclosure.
  - e. Anyone holding a licence or temporary or permanent loan agreement issued under appropriate Provincial or Federal Wildlife Legislation which permits the keeping of animals under stated conditions.
  - f. In a public school operated by the Kawartha Pine Ridge District School Board, the Peterborough Victoria, Northumberland, and Clarington Catholic School Board or accredited private school or academy where such animals are being kept or are made available for research, study or teaching purposes. The animal(s) shall be on the premises only by permission of the respective school's administration and shall be attended to by qualified personnel.
- 4.2 Section 3.2 shall not apply to the transportation or the keeping of an Exotic Animal during the transportation of the animal to any of the places noted in section 4.1.
- 4.3 Applications for temporary exemptions may be received by the Clerk from, but not limited to, traveling circuses, film projects, person delivering educational programs, school and group presentations.

- 4.4 Each application for exemption shall be submitted at least 30 days prior to the requested event and shall be reviewed by the Clerk on an individual basis. Prior to granting an exemption, the Clerk may consult with experts and may either refuse the application, grant an exemption or grant a conditional exemption.
- 4.5 All exemptions or refusals shall be reported to Council at their next meeting. In the event that a request is denied by the Clerk, the applicant may request in writing to appear as a delegation before Council. Council may confirm the Clerk's refusal or approve an exemption with or without conditions. Council's decision in the matter shall be final.

### **Businesses**

- 5.1 Unless exempt under Section 4 of this By-law, no person who operates a business within the Township of Otonabee-South Monaghan shall possess, keep, sell or otherwise make available any Exotic Animals listed in Schedule "A" of this By-law.

### **Right of Entry**

- 6.1 A Municipal By-law Enforcement Officer may enter onto any property, at any reasonable time in accordance with sections 436-439 of the *Municipal Act, 2001*, for the purpose of determining whether any Prohibited Animals are being kept on the premises.

### **Penalty**

- 7.1 Every person who contravenes any of the provisions of this By-law:
- a) is guilty of an offence; and,
  - b) upon conviction to such penalties as are established under the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

### **Severability**

- 8.1 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 a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law shall be valid and shall remain in force.

- 8.2 Where the provisions of this By-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.
- 8.3 This By-law is not intended to supersede, replace or augment Provincial Legislation and Federal Statutes with respect to Endangered Species or Species at Risk.

**Commencement**

- 9.1 This By-law shall come into force and take effect on the date that it is given third and final reading and passed.

Read a First time this 17th day of November, 2014

Read a Second time this 17<sup>th</sup> day of November, 2014

Read a Third time and finally passed this 17<sup>th</sup> day of November A.D. 2014.

\_\_\_\_\_  
Head of Council – David P. Nelson

\_\_\_\_\_  
Clerk – Heather Scott

**Schedule “A” – Exotic Animals Prohibited in the Township of Otonabee-South Monaghan**

CLASS	ORDER	COMMON NAMES
<b>Mammals</b>	Artiodactyls	Such as camels, moose, giraffe, non-domestic sheep
	Canidae	Such as coyotes, wolves, foxes, hybrid wolf dogs, coy dogs (except dogs)

	Castoridae	Such as beavers
	Chiroptera	Such as bats, fruit bats, myotis, flying foxes
	Edentates	Such as anteaters, sloths, armadillos
	Felidae	Such as tigers, leopards, cougars, lions, lynx, panthers, pumas (except domestic cats)
	Hyaenidae	Such as hyenas
	Lagomorpha	Such as hares, pikas (except domestic rabbits)
	Marsupialia	Such as bandicoots, koalas, kangaroos, possums, wallabies (except sugar gliders derived from self-sustaining captive population)
	Mustelidae	Such as martens, mink, skunks, polecats, weasels, otters, badgers (except ferrets)
	Perissodactyl Ungulates	Such as tapir, zebra
	Pinnipediae	Such as seals, walrus
	Primates (Non-Human Primata)	Such as apes, chimpanzees, gorillas, monkeys, lemurs
	Proboscidea	Such elephants, rhinoceros, hippotamus
	Procyonidae	Such as coatimundi, cacomistles, raccoons, ringtails
	Rodentia	Such as porcupines, prairie dogs, nutria, (except rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population)
	Ursidae	Such as bears
	Viverridae	Such as mongoose, civets, genets
<b>REPTILES</b>	Crocodylia	Such as alligators, crocodiles, gavials, caimans
	Septentes of the families Pythonidae & Biodae	Such as pythons, boas, anaconda
	Squamata	Lizards that are venomous or poisonous Lizards that are greater than 2 metres (6.56 ft) Snakes that are venomous or poisonous Snakes that are not indigenous to North America Snakes that are greater than 2 metres (6.56 ft.)
<b>BIRDS</b>	Struthioniformes	Such as rheas, cassowaries, kiwis
	Raptors	Such as eagles, hawks, falcons except those falcons licensed by the Ontario Ministry of Natural Resources, owls
<b>OTHER</b>		All venomous or poisonous insects and amphibians - such as tarantulas
	Arthropods	Such as scorpions, centipedes, beetles

**Note: the common names referred to in the right hand column are some of the names referenced in the left hand column of the schedule. The common name is provided for information purposes only and is not intended to limit the extent of the classes of animals referred to.**