



The Corporation of the Municipality of Highlands East

By-law # 2021-36

Being a By-law to Regulate or Prohibit the Keeping of Certain Animals within the Municipality of Highlands East

Whereas Section 11 (2) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, authorized municipalities to pass by-laws respecting health, safety and well-being of persons, and protection of persons and property;

And Whereas Section 10 (2) 9 of the Municipal Act, 2001 S.O. 2001 c. 25 as amended, authorizes the councils of municipalities to pass by-laws respecting animals;

And Whereas Section 103 of the Municipal Act, 2001 S.O. 2001 c. 25 as amended, authorizes municipalities to seize and impound animals which are at large in contravention of any such by-law, and for the sale or destruction of impounded animals;

And Whereas Section 425 (1) of the Municipal Act, 2001, S.O. c. 25, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this act is guilty of an offence; and whereas Section 429 provides that a municipality may establish a system of fines for offences under a by-law;

And Whereas Section 434.1 of the Municipal Act, 2001, S.O. 2001, c. 25 and amendments thereto enables the councils of local municipalities to establish a system of administrative penalties and whereas Section 434. 2 establishes an administrative penalty constitutes a debt of the person which may be added to the tax roll;

And Whereas Section 436 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law, direction, order or condition of an order under Section 431 has been complied with;

And Whereas Highlands East Council deems it desirable, for the protection of the public and in the interest of public safety, to pass a by-law to regulate or prohibit the keeping certain animals within the geographic limits of the Municipality of Highlands East;



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Now therefore the Council of the Municipality of Highlands East hereby enacts the following:

1.0 Short Title

1.1 The short title of this By-law is the “Exotic Animal By-law”

2.0 Definitions

In this By-law:

- 2.1 **Animal:** means any member of the animal kingdom, other than a human, but does not include a domesticated dog or cat.
- 2.2 **Alternate Livestock:** means Livestock, including, but not limited to llama, alpaca, deer, elk, wild boar, bison, game birds, emu, ostrich, rheas, kept for agricultural purposes; designated as Alternative Livestock by the Ministry of Agriculture, Food and Rural Affairs.
- 2.3 **Council:** means the Council of The Corporation of The Municipality of Highlands East.
- 2.4 **Domestic Animal:** means an Animal that has been selectively bred and genetically adapted over many generations for particular physical and behavioural traits that make them amendable to human use or agricultural purposes and which make them genetically distinct from their wild ancestors or cousins.
- 2.5 **Enclosure:** means a cage, pen, container, or structure which prevents an Animal from leaving a Premises as defined herein and prevents contact between those Animals, Persons and other Animals and prevents no part of the Animal to protrude or extend outside the Enclosure.
- 2.6 **Exotic Animal:** means any non-domesticated Animal or Animal not indigenous to Canada whether or not such Animal is classified as wild and includes any Animal listed in Schedule “B”.



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- 2.7 **Livestock:** means a domestic farm Animal, including, but not limited to horses, mules, bulls, oxen, cows or other cattle, swine, poultry, captive raised fowl, sheep, lamb, goats, domestic rabbits, that are kept for agricultural purposes; designated as Livestock under the Livestock and Livestock Products Act O. Regulation 318/99.
- 2.8 **Officer:** means a person appointed by Council as a Municipal Law Enforcement Officer, or a Police Officer, or an Animal Welfare Inspector and/or other individual duly appointed to enforce this By-law.
- 2.9 **Owner:** means any Person who owns, possesses, harbours or has custody of an 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.
- 2.10 **Person:** means and shall include an individual human being, an individual company, partnership, corporation or limited company.
- 2.11 **Premises:** includes lands, buildings, structures or any parts thereof.
- 2.12 **Prohibited Animal:** means any Animal that is or is deemed to be potentially harmful to humans by nature, aggression, physical attributes, such as sharp teeth or claws, venom, toxins or size, and includes Exotic Animals listed in or falling within those classes of Animals as set out in Schedule "B" attached hereto, which may be amended by Council, as required.
- 2.13 **Running at Large:** means found at a place other than the Premises of the Owner of the Animal and not under the physical control of any Person.
- 2.14 **Sanitary Condition:** means a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent attractants which could endanger the health of any Person or Animal. The definition shall not be interpreted in such a way as to restrict Livestock or farm practices regulated by other legislation.



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2.15 **Veterinary Hospital:** means a Premises lawfully operated for the medical treatment of Animals and supervised by a Veterinarian licensed by the Ontario Veterinary Association.

3.0 Prohibited Animal

3.1 No Person shall keep either on a temporary or permanent basis any Prohibited Animal listed in Schedule "B" of this By-law.

3.2 Notwithstanding Section 3.1, any Person who, on the date of the passage of this By-law, was lawfully keeping a Prohibited Animal, shall be permitted to keep that Animal until the Animal has died or otherwise been disposed of, provided that:

- a) every Owner shall advise the Municipality in writing within ninety (90) days from the date the By-law came into effect, the species of Animal, a full description of the Animal, the Owner's name, address and contact number;
- b) every Owner shall supply evidence to support that the Animal was kept prior to passage of this By-law, whereby the burden of proof lands on the Owner;
- c) the Animal shall remain securely at the Owner's Premises, except for necessary visits to a Veterinarian;
- d) the Animal shall not be shown to, or displayed to the public;
- e) the Animal shall be prohibited from breeding;
- f) the Animal shall be kept in an Enclosure that is appropriate for its species and that satisfies its full range of biological, behavioural and social needs;



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- g) the Owner shall immediately notify the Municipality upon the death, sale or surrender of the Animal; whereby the Animal shall not be permitted to be replaced nor future Prohibited Animals acquired;
 - h) the Owner shall ensure that the Animal does not pose or become a nuisance, that may become disturbing to others; and is subject to compliance with all other relevant by-laws, provincial laws, regulations, rules and agreements including zoning;
 - i) the Owner shall ensure that the Animal Enclosure, Premises and Property parcel are kept in a clean and Sanitary Condition;
 - j) the Owner shall comply with any special terms or conditions imposed by the Municipality for the lawful keeping of any Prohibited Animal (e.g. housing).
- 3.3 Should any clause as provided for in Section 3.2 be contravened, the lawful possession of the Prohibited Animal shall become null and void. The Owner of the Animal shall be issued an Order under Section 11 of this By-law thereby requiring the removal of the Animal from the Municipality within the timeframe indicated on the Order.
- 3.4 No Person shall sell, offer for sale, exhibit or transport any Prohibited Animal within the Municipality except as expressly provided in this By-law.
- 4.0 Exceptions**
- 4.1 The provisions contained in Section 3.1 of this By-law shall not apply to Animals kept:**
- a) In a Research facilities under The Animals for Research Act, R.S.O., 1990, C.A. 22 as amended, or any successor legislation;



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- b) In a Veterinary Hospital under the control of a licensed Veterinarian;
- c) In a designated pound or shelter lawfully operated or under contract with the Municipality;
- d) By 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;
- e) At a farm operation involving Alternative Livestock where such use is permitted under the comprehensive zoning by-law, as amended and providing that the Animals are kept in a secure, humane and escape-proof Enclosure;
- f) At a Premises owned or operated by the Ontario Ministry of Natural Resources or by persons licensed by the Ontario Ministry of Natural Resources for the keeping of particular native wildlife species under stated conditions and that are listed on their licence/permit or authorization;
- g) For special events or other circumstances in which Highlands East Council has granted a Temporary Exemption.

5.0 Keeping of Alternative Livestock

- 5.1 No Person shall keep Alternative Livestock in any Premises or on any property unless it has been deemed a permitted use under the current Municipal Comprehensive Zoning By-law, as amended.



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6.0 Animal Running at Large

6.1 No Owner of any Animal shall, knowingly or not knowingly, allow the Animal to Run at Large or Trespass within the limits of the Municipality of Highlands East.

7.0 Seizing, Impounding and/or Destroying

7.1 Any Animal found Running at Large may be impounded or destroyed if deemed necessary to ensure the safety of the public. Any Owner of any Animal impounded or destroyed pursuant to the By-law shall be liable to pay all costs of impounding or destroying the Animal, its care and upkeep and all other costs related thereto.

8.0 Temporary Exemptions

8.1 Applications for Temporary Exemption may be received by Council and shall be submitted to the Municipal Clerk, a minimum of 30 days prior to an event.

8.2 Each application for Exemption shall be reviewed by Council on an individual basis. Council may consult with experts and may either refuse the application, grant an Exemption, or grant a conditional Exemption with restrictions.

9.0 Administration and Enforcement

9.1 This By-law shall be enforced by an Officer or such Person or Persons as Council may appoint under Municipal By-law.

9.2 An Officer 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.



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10.0 Powers of Entry

- 10.1 An Officer may enter any Premises other than a dwelling at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law.
- 10.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or any Person lawfully acting in aid of such Officer, in the execution of their duties under this By-law.

11.0 Issuance of Order

- 11.1 An Officer may issue an Order concerning any contravention of this By-law with respect to any Animal. The Order shall identify the contravention and the date by which there must be compliance with the Order.
- 11.2 No Person subject to an Order as described in Section 11.1 shall fail to comply with such Order within the stated time.

12.0 Offence & Penalty Provisions

- 12.1 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 in the Provincial Offences Act R.S.O. 1990, c. P. 33, as amended.
- 12.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.



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13.0 Administrative Penalties

- 13.1 An Officer who finds that a Person has contravened any provision of this By-law may issue a penalty notice addressed to that Person.
- 13.2 Any Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice pursuant to Section 13.3 shall be liable to pay to the Municipality an administrative penalty in the amount of \$100.00 dollars.
- 13.3 The penalty notice shall be delivered personally to the Owner or mailed by prepaid registered first class mail to the address of the Owner as shown on the last revised assessment roll.
- 13.4 The above mentioned notice shall be deemed to have been served seven (7) days from the date of mailing.
- 13.5 Every notice issued shall identify the involved property; the particulars of the contravention; the amount of the administrative penalty; information respecting the process by which the Person may exercise the Person's right to request a review of the administrative penalty; and, a statement advising that an administrative penalty will, unless modified or rescinded pursuant to the review process, constitute a debt to the Municipality.
- 13.6 A Person may appeal an administrative penalty to the Municipality of Highlands East Council.
- 13.7 An administrative penalty that is deemed to be affirmed constitutes a debt to the Municipality of each Person to whom or to which the penalty notice was given.
- 13.8 An administrative penalty that is not paid within ninety (90) days may be added to the tax roll of the property to which it applies and collected in the same manner as taxes.



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14.0 Service of Documents

- 14.1 The Municipality may serve any document under this By-law, including but not limited to a penalty notice, to the Person named on the notice, by prepaid registered first class mail having addressed the document to the Person's last known address.
- 14.2 Service by registered mail under subsection 14.1 shall be deemed to have been made on the seventh (7th) day after the day of mailing.
- 14.3 A Person's last known address includes the address provided by the Person to the Municipality as identified in the property tax roll file.

15.0 Municipality not Liable

- 15.1 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 Premises that is subject of this By-law.

16.0 Amendment of Schedules

- 16.1 That Schedules may be amended from time to time by resolution of Council without an amendment to this By-law.

17.0 Validity and Severability

- 17.1 Should any section, sub-section, 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 or enforceability of any other provision of this By-law or of the By-law as a whole.



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18.0 Implementation

18.1 This By-law shall come into full force and effect after approval.

**Enacted, Approved and Signed with the Corporate Seal attached hereto, this 13th
day of April, 2021.**

Dave Burton, Mayor

Robyn Rogers, Municipal Clerk