

## **The Corporation of the Township of Douro-Dummer**

### **By-Law 2004-48**

#### **Being a by-Law to Prohibit or Regulate the Keeping of Certain Animals within the Township of Douro-Dummer**

WHEREAS Section 103 of the Municipal Act, 2001, S.O. 2001, c25, as amended, provides that where a municipality passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for the seizing and impounding and for the sale of impounded animal;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. 2001, c25, as amended, provides that a municipality may regulate matter not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS it is desirable for the protection of the public and in the public interest that the keeping of certain animals be prohibited or regulated within the geographic limits of the Township of Douro-Dummer.

NOW THEREFORE the Council of the Corporation of the Township of Douro-Dummer enacts as follows;

1. No person shall keep any animal of any class set out in Schedule "A" attached to and forming part of this by-law anywhere within the geographic limits of the Township.
2. No person shall keep a menagerie anywhere within the geographic limits of the Township.
3. No person shall keep any venomous reptiles anywhere within the geographic limits of the Township of Douro-Dummer.
4. Without derogating from any other by-law of the Township, no person shall permit any animal to run at large or to trespass within the geographic limits of the Township of Douro-Dummer.
5. Without derogating from any other by-law of the Township, any animals found at large or trespassing may be impounded by an animal control officer or by any person who shall deliver such animal to an animal control officer or to a poundkeeper.
6. If any animal impounded pursuant to the provisions of this by-law is not claimed by its owner within seven (7) days and the expenses of the poundkeeper for the care and feeding of such animal are not paid, then the poundkeeper may sell such animal and apply the proceeds of sale to the payment of the poundkeeper's expenses in accordance with applicable legislation.
7. This by-law shall be enforced by the By-Law Enforcement Officer and/or Provincial Offences Officer of the Township of Douro-Dummer.
8. Any person or corporation convicted of a breach of any provision in this by-law shall be subjected to such penalties or orders provided for under the Provincial Offences Act, R.S.O. 1990 c P-33 as amended.
9. Any person who owned an animal as set out in Schedule "A" to this by-law prior to the passing of this by-law may continue to keep such animal until its death, but must register such animal with the Clerk of the Township of Douro-Dummer, and provide facilities which are adequate for the safe keeping of such animals as set out in Schedule "B" to this By-Law. Schedule "B" may be amended from time to time as animals are registered with the Clerk of the Municipality. Breeding of any existing animals listed on Schedule "A" may be approved by Council upon receipt of a request by the owner stating why such permission should be granted.
10. Any person who keeps any venomous reptiles anywhere within the geographic limits of the Township of Douro-Dummer shall be required to keep appropriate antitoxins where feasible at a local hospital or health centre and shall provide proof of compliance therein.
11. Any animal of any class set out in Schedule "A" shall be kept within an adequate enclosure at all times. All holding areas must be within the enclosure. Transportation of such animals shall be in a secured enclosure.

12. a) The following words and terms used in this by-law and the Schedules forming a part of this by-law shall have the following meanings;
- i. "animals" include reptiles;
  - ii. "animal control officer" means a person appointed as such by-law enacted by the Council of the Township;
  - iii. "at large" includes the circumstances in which an animals is found in any place other than on lands owned or lawfully occupied by its owner and when not under the physical control or restraint of any person;
  - iv. "Township" means the Township of Douro-Dummer;
  - v. "owner" includes a person who keeps, or harbours an animal; and
  - vi. "poundkeeper" means the person or agency appointed as such by-law enacted by the Council of the Township.
- b) In this by-law unless the context stipulates otherwise, words importing the singular shall include the plural and words importing the masculine gender shall include the feminine.
- c) Should any part of this by-law be declared by a court of competent jurisdiction to be invalid in whole or in part, the validity of the provisions of the by-law shall not be affected thereby, the intent of the Council of the Township in enacting this by-law being that each provision of this by-law shall be determined to be separately valid and enforceable to the fullest extent permitted by law.

Passed in Open Council this 21st day of June, 2004.

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Reeve

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Clerk

**SCHEDULE "A"**

**TO BY-LAW 2004-48**

<b>Class of Animal</b>	<b>Common Names</b> Set out in this column are some of the names of animals included in the classes of animals referred to in this Schedule. The common names are provided for illustration purposes only and not intended to limit the extent of the classes of animals referred to.
Canids, except the common dog	Foxes, jackals, wolves
Cetaceans	Dolphins, porpoises, whales
Crocodylians	Alligators, crocodiles
Elephants	
Felids, except the common cat	Cougars, leopards, lions, lynxes, panthers, tigers
Hyaenids	Aardwolves, hyenas
Pinnepeds	Sea lions, seals, walruses
Non-Human Primates	Baboons, gorillas, monkeys, orangutans, excluded are lesser bushbaby
Sirenians	Dugongs, manatees
Snakes of the Family Boidae	Boas, pythons
Ursids	Bears
Venomous Reptiles	Venomous lizards, venomous snakes

**SCHEDULE "B"**  
**TO BY-LAW 2004-48**

**Enclosures for Felids**

1. Enclosures for Felids (large cats) shall be no less than thirty (30) x forty (40) feet comprised of nine (9) gauge chain-linked fence, which fence is to be ten (10) feet high with an additional three (3) feet on an angle to a height of twelve (12) feet. The top of the enclosure must be enclosed and shall be comprised of nine (9) gauge chain-linked fence with the required trusses. Main corner posts are to be three (3) inch metal posts. The fence posts in between are to be two (2) inch metal posts spaced every ten (10) feet. Cross posts at bottom and top of enclosures are to be two (2) inch metal posts. There will be additional cross posts placed horizontally at (3) and six (6) feet from the bottom of the fence. The bottom of the enclosure shall be anchored securely to the ground every two (2) feet. Four inch reinforced mesh shall be attached to the bottom of the enclosure and shall extend no less than three (3) feet into the enclosure and weighted down by rocks. Such enclosures shall provide an additional secured area attached to the main enclosure for the Felids when the enclosure is being cleaned. The access to the whole enclosure shall be through a double door entry system.
2. There is to be a second chain link fence six (6) feet out from the enclosure and at least four (4) feet high. Danger signs must be posted on the outer fence and visible to the public.

**Enclosures for Venomous Reptiles**

1. Enclosures for venomous reptiles shall be kept in a secure and locked area. All enclosures, including display exhibits in cages shall be enclosed by means of a mechanical fixture, such as screws or hasps requiring a tool to open or a minimum of two manual movements. All enclosures shall be kept within a secured (escape proofed) and locked area at all times while occupied by the venomous animals. There shall be a sign posted displaying the words "**LIVE, VENOMOUS ANIMALS, DO NOT TOUCH**", which shall be posted within the secure and locked area.
2. It is required and it shall be the responsibility of the owner of the venomous reptiles to notify the local fire department to the fact that venomous animals are being kept within the premises.