

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2005-24

Being a By-law to prohibit or regulate certain animals within the Town of Amherstburg

WHEREAS, the *Municipal Act*, 2001, S.O. 2001, c. 25, section 11(1), paragraph 9, permits councils of local municipalities to pass by-laws for the prohibiting or regulating of animals and to provide for a system of licences, permits, approvals or registrations respecting animals and imposing conditions as a requirement of obtaining, continuing to hold or renewing a licence, permit, approval or registration;

AND WHEREAS the Town of Amherstburg considers it desirable to pass a by-law to prohibit or regulate certain animals within the limits of the municipality of the Town of Amherstburg;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS:

In this By-law:

- a) "Animal" means any live non-human vertebrate or invertebrate including insects, birds and reptiles;
- b) "Animal Control Officer" includes the person appointed by Council or who has entered into a contract with the Town of Amherstburg to control animals under this by-law and includes any servants of such person;
- c) "Corporation" means the Corporation of the Town of Amherstburg;
- d) "Council" means the municipal council of the Town of Amherstburg;
- e) "Owner" includes a person who possesses or harbours an animal, and, for the purpose of this definition, "owns" and "owned" shall have a corresponding meaning and shall include a person who is temporarily the keeper or in control of the animal;
- f) "Person" includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires;
- g) "Pound" means premises, regulated under the *Animals for Research Act*, R.S.O. 1990, c.A.22, that are used for confinement, maintenance or disposal of dogs that have to be impounded pursuant to applicable law;
- h) "Pound keeper" means the person appointed by the Corporation to maintain and administer the pound;
- i) "Prohibited Animal" means any animal listed in Schedule "A" to this by-law;
- j) "Provincial Offences Officer" means a police officer or a person designated under the *Provincial Offences Act* and for the purposes of this

by-law includes an animal control officer and any municipal By-Law Enforcement Officer engaged to enforce the by-laws of the Town of Amherstburg;

k) "Town" means the Town of Amherstburg.

2. PROHIBITION:

- a) No person shall possess, keep, sell, make available for sale, or harbour any prohibited animal saving and excepting where permitted by Zoning By-law 1999-52.
- b) Notwithstanding the above-mentioned, this by-law shall not apply to:
 - i. the pound, or a shelter lawfully operated by the Ontario Society for the Prevention of Cruelty to Animals;
 - ii. an Animal Hospital or Clinic which is lawfully operated and supervised by a Veterinarian licensed to practice in the province of Ontario;
 - iii. premises registered as research facilities pursuant to the *Animals for Research Act*, R.S.O. 1990, c.A.22.;
 - iv. any person while rendering emergency treatment to an injured or abandoned animal while such animal is unable to fend for itself and provided that there is no danger to any person or other animal;
 - v. the premises of the Town of Amherstburg By-law and Licensing Department, providing the animals are kept in secure, humane, and escape-proof cage, tank or enclosure;
 - vi. any Wildlife Rehabilitation Centre Licensed by the Ontario Ministry of Natural Resources under the Fish & Game Act with a Wildlife Custodian License along with a Salvage Permit issued by the Canadian Wildlife Service under the Migratory Bird Act.

3. APPLICATIONS FOR TEMPORARY EXEMPTION:

- a) Applications for exemption under this section may be received by Council.
- b) Each application will be received and reviewed on an individual basis. Council may consult with a panel of experts and either refuse the application or grant a conditional exemption.

4. IMPOUNDING:

- a) A provincial offences officer may take into his possession any prohibited animal at large or seized under the authority of a search warrant or surrendered to him by the owner.
- b) The pound keeper shall keep a prohibited animal pending the outcome of a court case and appeal period.
- c) Animals surrendered to the pound keeper become the property of the Town and may be kept or adopted out to a lawful recipient.
- d) The pound keeper, or his agent, is authorized to collect the pound fee from the owner levied under this by-law and to maintain a pound as directed by Council.

5. SCHEDULE(S):

Schedule "A" attached hereto forms part of this by-law.

6. ENFORCEMENT:

Provincial Offences Officers shall have the duty of enforcing the provisions of this by-law.

7. PENALTIES:

Every person who contravenes any provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33.

8. SHORT TITLE:

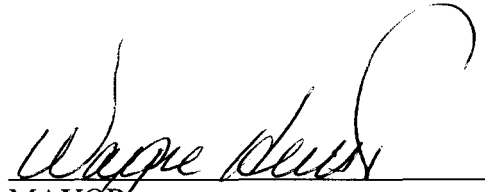
This by-law shall be referred to as the Exotic Animal By-law.

9. REPEAL:


The Town of Amherstburg By-law 2172, being a by-law prohibiting the keeping of animals in defined areas, passed December 10, 1990, be and the same is hereby repealed.

This by-law shall come into force and take effect on the date of final passage thereof.

Passed this 27th day of June, 2005.



 MAYOR



 CLERK

1st Reading: June 27, 2005
2nd Reading: June 27, 2005
3rd Reading: June 27, 2005

Certified to be a true copy of By-law
No. 2005-24 passed by Council of the
Town of Amherstburg on the 27th
day of June, 2005.

Clerk

SCHEDULE "A"

to

BY-LAW NO. 2005-24

PROHIBITED ANIMAL	COMMON NAME/EXAMPLES*
All venomous Arachnida	Tarantulas
All venomous Scorpiones	Scorpion
All Artiodactyl Ungulates (except domestic goats, sheep, pig, cattle)	Camel, antelope, llamas, giraffes, hippopotamus
All Canidae (other than the common dog)	Wolf, jackal, fox, coyote or hybrids thereof
All Chiropterae	Bat
All Crocodylia	Alligator, crocodile
All Edentates	Anteater, armadillo, sloth
All Felids (other than the common cat)	Leopard, lion, tiger, lynx, panther, puma, cheetah, jaguar, bobcat, ocelot, or hybrids thereof
All Herpestidae	Mongoose
All Hyaenidae	Hyena
All Insectivora (except hedgehog)	Shrews, moles
All Marsupialia	Bandicoot, kangaroo, opossum, wombat, koala, Tasmanian devil
All Mephitidae	Skunk
All Mustelidae (except domestic ferrets)	Marten, polecat, weasel, otters, badgers, mink, fisher, wolverine
All Perissodactyl ungulates (except domestic horse, donkey, mule, jackass)	Tapir, zebra, rhinoceroses
All Pinnipediae	Seal, walrus, sea lions
All Non-human Primates	Ape, lemur, monkey, gorilla
All Proboscidea	Elephant
All Procyonidae	Coati, raccoon, ringtails
All Raptors (except falcons for the purpose of falconry)	Eagle, hawk, owl, vulture, falcons
All Ratites	Cassowary, ostrich, emus, rheas
All Ursidae	Bear
All Venomous Reptilia	Venomous snake, lizard
All Serpentes of the families Pythonidae and Boidae	Pythons, boas, anaconda
All Viverridae	Civet
All venomous and poisonous animals	

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

**** Note:** **Permissible animals** include domestic ferrets, gerbils, domestic guinea pigs, hamsters, mice, rats, degu, chinchilla, gerboa, hedgehogs, rabbits.

RECEIVED
JUL 27 2005

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION



COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3

CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

July 18th, 2005

Mr. David Mailloux, Clerk
Corporation of the Town of Amherstburg
PO Box 159, 271 Sandwich St S
Amherstburg ON N9V 2Z3

Dear Mr. Mailloux:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2005-21 and 2005-24, of the Town of Amherstburg**

Enclosed herewith are copies of Orders, and copies of schedules of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "A. M. Graham".

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
/ec

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. **2005-24, of the Town of Amherstburg**, attached hereto are the set fines for those offences. This Order is to take effect July 18th, 2005.

Dated at London this 18th day of July, 2005.

A handwritten signature in black ink, appearing to read 'A. M. Graham', with a long horizontal line extending to the right.

Alexander M. Graham
Regional Senior Justice
West Region

SET FINE SCHEDULE

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2005-24

A By-law to Prohibit and Regulate Certain Animals Within the Town of Amherstburg

PART I Provincial Offences Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OFFENCE	SET FINE
1	[Possess / Keep / Harbour] a prohibited animal	s. 2 (a)	\$130.00
2	[Sell / Make available for sale] a prohibited animal	s. 2 (a)	\$250.00

NOTE: The general penalty provision for the offence listed above is section 7 of by-law 2005-24, a certified copy of which has been filed.