

CORPORATION OF THE TOWNSHIP OF MACHAR

BY-LAW NO. 5-13

Being a By-law to Prohibit the Keeping of Certain Animals  
within the Township of Machar

WHEREAS the Municipal Act, S.O. 2001, c. 25, Section 11(1), Subsection 7, permits municipalities to pass by-laws respecting matters within the jurisdiction of animals;

AND WHEREAS the Township of Machar deems it desirable, for the protection of the public and in the public and in the public interest to pass a by-law to prohibit the keeping of exotic, wild and non-domestic animals within the limits of the Municipality of the Township of Machar;

NOW THEREFORE the Council of the Corporation of the Township of Machar hereby enacts as follows:

**Definitions:**

1) For the purposes of this by-law, Municipal By-Law Enforcement Officer shall include Municipal By-Law Enforcement Officers, Police and Animal Control Officers.

**Prohibitions:**

2) Except as provided in Section 3 of this by-law, the keeping or harbouring of any animal as listed in Schedule “A” to this By-law is prohibited anywhere in the Municipality.

**Exemptions:**

3) It is permissible to keep any animal of the kind listed in Schedule “A” to the by-law in the following places or circumstances:

- a) A farmer carrying out a farm operation involving the following alternative livestock animals: llamas, alpacas, emus, ostrich, rheas, mink, chinchilla, jerboa and rabbits where such use is permitted by the Township of Machar Zoning By-Law and providing that the animals are kept in a secure, humane and escape-proof cage, tank or enclosure.

4) Applications for exemptions from this by-law may also be received by Council.

5) Applications for temporary exemptions may be received by Council from but not limited to travelling circuses, film projects, person delivering educations programs, school and group presentations.

6) Each Application for exemption will be reviewed on an individual basis. Council may consult with experts and may either refuse the application, grant an exemption or grant a conditional exemption.

**Businesses:**

7) Unless exempt under section 3 of this by-law, no person who operates a business within the Township of Machar shall possess, keep, sell or otherwise make available any animals listed in Schedule “A” of this by-law.

**Right of Entry**

8) A Municipal By-Law Enforcement Officer may enter onto the property, at any reasonable time, for the purpose of determining whether any prohibited animals are being kept on the premises.

**Issue of and Compliance with Notice**

9) A Municipal By-Law Enforcement Officer may issue a notice of removal with respect to any prohibited animal found on the premises, setting out a time and date by which such animal shall be removed from the premises.

10) An Owner or Lessee shall comply with such notice within the stated time.

**Seizure or Surrender:**

11) A Municipal By-Law Enforcement Officer may take into its possession any animal listed in Schedule "A" that may be seized or surrendered to him by the owner.

12) The Pound Keeper shall keep an animal(s) listed in Schedule "A" pending the outcome of a court case and appeal period. The animal(s) in question shall be disposed of in compliance with the Court decision.

13) Animals surrendered to the Pound Keeper or Municipal By-Law Enforcement Officer become the property of the Township of Machar and may be kept, adopted out to a lawful recipient or humanely destroyed by the Township of Machar.

14) The Pound Keeper or his agent is authorized to collect the pound fees from the owner. The fees shall be the amount paid to the Pound Keeper plus 10%.

15) Every person who contravenes any provision of the by-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act.

16) Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine, and the Chief Judge of the Ontario Court, Provincial Division, shall be requested to establish a set fine, to be set out in Schedule "B" which shall be attached to this by-law.

**Severability and Conflict**

17) If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

**Effective Date**

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

**Amnesty Period**

19) An amnesty period for current owners will be in effect for two months commencing immediately upon this by-law being passed. This will allow current owners of prohibited animals to find alternative and lawful accommodations for the animals.

READ a first, second and third time and finally passed this \_\_\_\_ day of \_\_\_\_\_ 2013.

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Per Mayor Doug Maeck

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Per Clerk Administrator Brenda Paul, AMCT

**Schedule “A” to By-law No. \_\_\_\_\_**

**A By-law to Prohibit the Keeping of Certain Animals within the Township of Machar**

<u>Class of Animal</u>	<u>Common Name – Examples</u>
All Animals on the list of Convention on International Trade and Endangered Species (CITES #1 Endangered Species List)	
All Venomous Arachnids	tarantulas
All Venomous Arthropods	scorpion
All Artiodactyl Ungulates (except domestic Hippopotamus, goats, sheep, pig, cattle)	camel, antelope, llamas, giraffes
All Canidae (other than common dog)	wolf, jackal, fox, coyote or hybrids
All Chiropterae	bat
All Crocodylidae	alligator, crocodile
All Endentates	anteater, armadillo, sloth
All Felids (other than common cat)	leopard, lion, tiger, lynx, panther, puma, cheetah, jaguar, bobcat, ocelot or hybrids
All Herpestidae	mongoose
All Hyanenidae	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 or jackass)	tapir, zebra, rhinoceroses
All Pinnipediae	seal, walrus, sea lion
All Non Human Primates	ape, lemur, monkey gorilla
All Proboscidea	elephant
All Procyonidae	coati, raccoon, ringtails
All Raptors	eagle, hawk, owl, culture, falcons
All Ratites	cassowary, ostrich, emus, rheas
All Ursidae	bear
All Venomous Reptilia	venomous snake, lizard
All Serpentes of the families Pythonidae and Boidae	python, boa, anaconda
All Viverridae	civet

**\*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 name are provided for information purposes only and are not intended to limit the extent of the classes of animals referred to.

**Permissible Animals Include:** domesticated dogs, cats, goats, sheep, pig, cattle, horses, mules, donkey, jackass, ferrets, guinea pigs, hamsters, mice rats, degu, chinchilla, jerboa, hedgehogs, rabbits

Schedule "B" to By-Law No. \_\_\_\_\_

**A By-law to Prohibit the Keeping of Certain Animals within the Township of Machar**

<b>Item</b>	<b>Column 1</b> Proposed Short Form Wording	<b>Column 2</b> Provision Creating Offence	<b>Column 3</b> Set Fine
1	Keeping prohibited animal on premises (per animal)	S.1	\$450.00
2	Failing to comply with Notice to remove (per animal)	S.4	\$450.00