

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2011 - 50

BEING A BY-LAW OF  
THE CORPORATION OF THE TOWNSHIP OF WILMOT  
TO REGULATE THE PROHIBITION OR RESTRICTION OF  
EXOTIC ANIMALS

**WHEREAS** Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides for the authority for lower tier municipalities to pass by-laws respecting animals;

**AND WHEREAS** Section 8(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended, provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter; and,
- (b) require persons to do things respecting the matter.

**AND WHEREAS** the Corporation of the Township of Wilmot is desirous of enacting a by-law for the prohibition or restriction of animals;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

1. **DEFINITIONS:**

In this by-law, the term,

- 1.1 **“Council”** – shall mean the Council of the Corporation of the Township of Wilmot.
- 1.2 **“Fees and Charges By-Law”** – refers to the current by-law of the Township to establish fees and charges pursuant to the *Municipal Act, 2001*, S. O. 2001, Chapter 25, as amended.
- 1.3 **“Harbour”** – means to give shelter to an animal.
- 1.4 **“Household Pet”** – means any form of livestock which could normally be purchased in a pet store, which would normally spend all or part of its life within a dwelling unit, which is owned by a resident of the dwelling unit and which is not kept for profit or gain.
- 1.5 **“Keep”** – means to have continuous charge of an animal.
- 1.6 **“Livestock”** – means chickens, turkeys, cattle, swine, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.
- 1.7 **“Municipal Law Enforcement Officer”** – means a person appointed by the Township to enforce the by-laws of the Township under s. 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
- 1.8 **“Own”** – means to have an animal belonging to oneself.
- 1.9 **“Possess”** – means to hold an animal as property.
- 1.10 **“Pound”** - means such premises and facilities designated by the Township for the purposes of impounding and caring for animals taken up by the Township of Wilmot in violation of this by-law.
- 1.11 **“Township”** – shall mean the Corporation of the Township of Wilmot.

## 2. PROHIBITED ANIMALS

2.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time within the Township of Wilmot.

Note: Common names of animals of a particular prohibited order are given as examples only and shall not be construed as limiting the generality of the group and excludes all household pets and livestock.

Class	Order	Common Names
Mammals	Carnivora	Pandas, wolves, bears, seals, walruses, coyotes, fox hybrids, wolf dogs, mongoose  Tigers, leopards, cougars, lions, lynx, hyenas  Skunks, weasels, otters, badgers  Coatimundi, cacomistels, raccoons
	Cingulata	Armadillos
	Chiroptera	Bats, myotis, flying foxes
	Lagomorpha	Pikas
	Marsupialia	Koala, kangaroo, possum, wallabies
	Pilosa	Anteater, sloth
	Primates (non-human)	Chimpanzees, gorillas, monkeys, lemurs (except monkeys kept by physically handicapped persons to assist in their day to day living)
	Proboscidea	Elephants, rhinoceros, hippopotamus
	Rodentia	Porcupines, prairie dogs, nutria, chinchillas
		Cetaceans
Reptiles	Crocodylia	Alligators, crocodiles, gavial, caymans
	Squamata	Lizards that reach an adult length greater than 65 centimeters (25.6 inches) from snout to vent  Snakes that are venomous  Snakes that reach an adult length greater than 2 metres (6.6 feet)
		Testudine
Birds	Anseriformes	Swans, screamers
	Galliformes	Pheasants, grouse
	Struthioniformes	Ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Eagles, hawks, falcons (except those owned by falconers licensed by the Ontario Ministry of Natural Resources), owls
Other	Selachimorpha	Sharks
		All poisonous insects, reptiles and amphibians

## 3. RESTRICTED ANIMALS

3.1 No person shall own, harbour, possess, keep sell or offer for sale any livestock animal as a pet or for any other purpose or for any period of time within settlement areas of the Township of Wilmot.

#### **4. EXCEPTIONS**

4.1 Notwithstanding Sections 2 and 3, the prohibition or restriction shall not apply in the following places or circumstances:

- i) A public health laboratory
- ii) A pound facility
- iii) A veterinary hospital or clinic under the care of a licensed veterinarian
- iv) On premises registered as a research facility under Section 5 of the Animals for Research Act, R.S.O., 1990
- v) Those granted an exemption by the Council of the Township of Wilmot
- vi) On premises of an elementary, middle, junior or secondary school operated by the Waterloo Region Board of Education, the Waterloo Region Roman Catholic Separate 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.

#### **5. EXEMPTIONS**

5.1 Property owners may apply for an exemption to Section 2 or 3 on a site specific basis. Application may be made by filing the prescribed form and submitting the filing fee as established under the Township's Fees and Charges By-law.

5.2 Notice of the application and the date the one year trial exemption is to be considered by Council is to be given by personal service or prepaid first class mail to every owner of land within 120 metres of the subject property and a notice or sign of the application is to be posted by the applicant on the subject property, clearly visible and legible to the public.

5.3 Trial exemptions shall be monitored and subject to at least four random inspections by a Municipal Law Enforcement Officer.

5.4 A review of the trial exemption is to be conducted by the Director of Clerk's Services prior to the end of the one year trial period and presented to Council. Council may grant a permanent, site specific exemption and amend this by-law accordingly.

5.5 Once a permanent exemption is granted there is no appeal to the exemption.

5.6 Additional terms and conditions deemed appropriate by Council may be included to any exemption.

5.7 The exempted property shall have a minimum of one inspection per calendar year to ensure all site specific requirements continue to be met. The inspection will be carried out by a Township Municipal Law Enforcement Officer with no notice requirement.

#### **6. PENALTY PROVISIONS:**

6.1 Every person who contravenes any of the provisions of this by-law:

- a) is guilty of an offence; and,

- b) upon conviction thereof is liable to a fine or penalty pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

**7. SEVERABILITY:**

- 7.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the remaining provisions shall remain in full force and effect.

**8. SHORT TITLE:**

- 8.1 This by-law may be cited as the Exotic Pet By-law.

**9. REPEAL SECTION:**

- 9.1 By-law Number 88-26 of the Township of Wilmot, and all by-laws amending the same and any other by-law inconsistent with the provisions of this by-law are hereby repealed on the date this by-law shall come into force and effect.
- 9.2 This by-law shall come into force and effect on the date the fines set out in Schedule "A" are approved by the Regional Senior Justice for the West Region.

READ a First and Second time this 7<sup>th</sup> day of November, 2011.

READ a Third time and finally passed in Open Council this 7<sup>th</sup> day of November, 2011.

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Mayor

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Clerk

**THE CORPORATION OF THE TOWNSHIP OF WILMOT**  
**BY-LAW NO. 2011-50**  
**PART I PROVINCIAL OFFENCES ACT**  
**TITLE: BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF WILMOT**  
**TO REGULATE THE PROHIBITION OR RESTRICTION OF EXOTIC ANIMALS**

	COLUMN 1	COLUMN 2	COLUMN 3
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Owning a prohibited animal	2.1	\$395.00
2	Owning a restricted animal	3.1	\$395.00
3	Harbouring a prohibited animal	2.1	\$395.00
4	Harbouring a restricted animal	3.1	\$395.00
5	Possessing a prohibited animal	2.1	\$395.00
6	Possessing a restricted animal	3.1	\$395.00
7	Keeping a prohibited animal	2.1	\$395.00
8	Keeping a restricted animal	3.1	\$395.00
9	Selling a prohibited animal	2.1	\$395.00
10	Selling a restricted animal	3.1	\$395.00
11	Offering to sell a prohibited animal	2.1	\$395.00
12	Offering to sell a restricted animal	3.1	\$395.00

\*Note: the general penalty provision for the offences listed above is Section 6 of Bylaw 2011-50, a certified copy of which has been filed.