

**THE CORPORATION OF THE TOWNSHIP OF WILMOT**

**BY-LAW NO. 2023-19**

**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;

**WHEREAS** Council finds it appropriate to repeal and replace By-Law 2011-50, as amended;

**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;
- (c) provide for a system of licenses respecting that 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 **“At Large”** – an animal is deemed at large when found in any place other than the premises at which they are habitually kept, if Not Under the Control of Any Person, and an animal shall not be deemed to be under the control of any person unless accompanied by an attendant who is exercising control over the animal at all times;
- 1.2 **“Council”** – shall mean the Council of the Corporation of the Township of Wilmot.
- 1.3 **“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.
- 1.4 **“Harbour”** – means to give shelter to an animal.
- 1.5 **“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.
- 1.6 **“Keep”** – means to have continuous charge of an animal.
- 1.7 **“Livestock”** – means turkeys, chicken, cattle, swine, horses, mink, rabbits, sheep, donkeys, llamas, goats or any other domestic animal used for consumption, excluding laying hens.
- 1.8 **“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;
- 1.9 **“Own”** – means to have an animal belonging to oneself.

- 1.10 **“Possess”** – means to hold an animal as property.
- 1.11 **“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.
- 1.12 **“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	Dolphins, whales	
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 meters (6.6 feet)	
	Testudine	Tortoises	
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.
  - vii) A person keeping up to four laying hens on a property in accordance with the requirements of the Township of Wilmot Zoning Bylaw 83-38, as amended, Section 6.32.

#### **5. BACKYARD HENS**

- 5.1 Permitted lands: no person shall keep poultry except on lands that meet the requirements of the Township of Wilmot's Zoning Bylaw 83-38, as amended.
- 5.2 Location of Coops, Pens, Lofts or Runs: No person shall have a pen, cage, loft, coop or run unless it is:
- i) Located in the rear yard of the property
  - ii) Situated at least 3 meters from any property line
  - iii) Situated at least 15 meters from any school, church, dwelling or other premises used for human habitation, other than the dwelling located on the same property as the coop, pen, loft or run.
- 5.3 Conditions of the Coops, Pens, Lofts or Runs: All pens, cages, lofts, coops and runs shall:
- i) be kept in a clean and sanitary condition, provide protection from the weather and be adequately ventilated;
  - ii) All hens must be kept in a fully enclosed coop or run, to prevent their escape from said enclosure, and exclude rodents and predators from entering;
  - iii) Coop floors are to be lined with shavings, straw or other appropriate materials to absorb manure and to facilitate cleaning;
  - iv) All waste and garbage shall be disposed of in a manner that will not create a public nuisance or health hazard, no less than (3) times a week and in accordance with the provisions of the Health Protection and Promotion Act, R.S.O., 1990 C.H.7, as amended, or any successor legislation, and regulations pursuant thereto;
  - v) No material removed may be burned or stored within the lands or premises from which it was removed;
  - vi) All feed must be stored in rodent proof containers;
  - vii) Coops must be constructed with sufficient chicken box and perch area to accommodate all hens
- 5.4 Other Requirements  
No person shall:
- i) Keep any other chicken than a laying hen, that must be over the age of 4 months' old

- ii) Sell the eggs, manure or other products associated with the keeping of hens
  - iii) No slaughtering or butchering of the hens done on the property
  - iv) Deceased hens must be disposed of at a livestock disposal facility through the services of a veterinarian, chicken exchange program or through a facility as approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all laws;
  - v) Hens are to be kept in accordance with all other laws including the Township's bylaws respecting noise, clean yards, Property Standards, Animals and all provincial legislation respecting the keeping of animals
  - vi) House, care for, harbor or possess hens on their property without a license from the Township of Wilmot
- 5.5 Licence Fee: An application for a Backyard Chicken licence shall be submitted in the proper form, including a detailed site plan and the appropriate fee to the Township in accordance with the Fees and Charges By-law.

## **6. OWNER REQUIREMENTS**

- 6.1 No Running At Large: No person shall allow livestock to run At Large within the Township.

## **7. EXEMPTIONS**

- 7.1 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.
- 7.2 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 meters 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.
- 7.3 Trial exemptions shall be monitored and subject to at least four random inspections by a Municipal Law Enforcement Officer.
- 7.4 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.
- 7.5 Once a permanent exemption is granted there is no appeal to the exemption.
- 7.6 Additional terms and conditions deemed appropriate by Council may be included to any exemption.
- 7.7 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.

## **8. PENALTY PROVISIONS**

- 8.1 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.

**9. SEVERABILITY**

9.1 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.

**10. SHORT TITLE**

10.1 This by-law may be cited as the Animal Control By-law, Excluding Dogs.

**11. REPEAL SECTION**

11.1 By-law #2011-50 as Amended by #2020-39 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.

**READ** a first and second time this 17th day of April, 2023.

**READ** a third time and finally passed in open Council this 17th day of April, 2023.

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**Mayor**

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**Clerk**

