

BY-LAW NUMBER 2013-168

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO PROHIBIT OR OTHERWISE
REGULATE THE KEEPING OF CERTAIN ANIMALS
WITHIN THE TOWNSHIP OF UXBRIDGE**

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
UXBRIDGE ENACTS A BY-LAW AS FOLLOWS:**

SHORT TITLE

This By-law may be cited as the Prohibited Animal By-law

Section 1 - Definitions

1.1 For the purpose of this By-law:

- a) "Animal" shall mean any member of the animal kingdom excluding humans, dogs and cats, and without limiting the generality of the foregoing shall include livestock, birds and reptiles;
- b) "Animal Control" shall mean the Animal Control Department of the Corporation of the Township of Uxbridge;
- c) "Assisting Agency" shall mean a person, business, sanctuary, organization or agency acting under the direction of an Officer directly contributing tactical expertise or service resources to an Officer;
- d) "Clerk" shall mean Clerk of the Corporation of the Township of Uxbridge;
- e) "Council" shall mean Council of the Corporation of the Township of Uxbridge;
- f) "Domestic Animal" shall mean an animal that has been tamed and kept by humans and has through selective breeding, become notably different from its wild ancestors, and includes an animal derived from self-sustaining captive populations;
- g) "Dwelling Unit" shall mean a suite of two (2) or more rooms, designed or intended for use by one family only, in which sanitary conveniences, facilities for cooking or the installation of cooking equipment, and a heating system is provided and containing a private entrance from outside the building or from a common hallway or stairway inside but does not include a tent, trailer or mobile home;
- h) "Enclosure" shall mean a pen or other enclosure that prevents animals from leaving the property and prevents contact between those animals, and people and other animals, but shall not include an electronic containment system;
- i) "Lot Line" shall mean any boundary of a lot or the vertical projection thereof;
- j) "Livestock" shall mean any domestic fowl (including chickens, ducks, geese, turkeys, guinea fowl, swans, ostrich, etc.), domestic rabbits (when more than three (3) rabbits are kept), ferrets or chinchillas (when more than two (2) domestic ferrets or chinchillas are kept) horses, donkeys, mules, bulls, oxen, cows or other cattle, sheep, lamb, goats, pigs, llamas, mink, emus, alpacas, wild boar, bison, deer, elk, ponies, rhea, fox, or bees used or kept for agricultural purposes in an area zoned Rural (RU) in accordance with the Township Zoning By-law;

- k) "Officer" shall mean an Animal Control Officer, a Municipal Law Enforcement Officer, a person authorized by Council with the responsibility for enforcing and administering this by-law and appointed by Township of Uxbridge By-law, or a Police Officer;
- l) "Owner" shall mean a person or their authorized agent who keeps, owns or harbours one or more animals within the Township, and where the Owner of the animal is a minor, the person responsible for the custody of the minor;
- m) "OSPCA" shall mean the Ontario Society for the Prevention of Cruelty to Animals;
- n) "Person" shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate and a natural person;
- o) "Pet Shop" shall mean the carrying on at a premises of any nature (including a private dwelling) of a business of selling animals as pets, and as including references to the keeping of animals in any such premises as aforesaid with a view to their being sold in the course of such a business, whether by the keeper thereof or by any other person.
- p) "Pigeon" shall mean any of the various birds of the widely distributed family Columbidae, characteristically having plump bodies, small heads, and short legs, especially the rock dove or any of its domesticated varieties;
- q) "Premises" shall mean a parcel of real property under registered ownership and includes all buildings and structures thereon;
- r) "Prohibited Animal" shall mean an animal set out in Schedule "A" of this By-law, and shall include livestock and wildlife;
- s) "Prohibited Animal Education Event" shall mean any exhibit, public show, circus, carnival, petting zoo or other display or act of education or entertainment using any live Prohibited Animal in accordance with the Township Comprehensive Business Licensing By-law No;
- t) "Service Animal" shall mean an animal:
 - i. trained to be used by a person with a disability for reasons relating to his disability;
 - ii. trained to be used by a peace officer in the execution of his or her duties; or
 - iii. trained to be used by a person who is authorized by an Officer to assist another Officer in his duties.
- u) "Township" shall mean the Corporation of the Township of Uxbridge.
- v) "Wildlife" shall mean an animal that belongs to a species that is wild by nature, and includes game wildlife and specially protected wildlife as defined in the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41*.

Section 2 - General Provisions

- 2.1 No person shall keep, own, harbour, or permit to be kept, owned, or harboured any prohibited animal in Schedule "A", attached hereto, within the Township.
- 2.2 No person shall keep, own, harbour, or permit to be kept, owned, or harboured, any protected or endangered animal, whose possession or sale is prohibited pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA), the Species at Risk Act (SARA), the Migratory Birds Convention Act, and the Fish and Wildlife Conservation Act in the Township.

- 2.3 No person shall keep, own, harbour, or permit to be kept, owned, or harboured, more than two (2) domestic ferrets or chinchillas in or about a dwelling unit within the Township.
- 2.4 No person shall keep, own, harbour, or permit to be kept, owned, or harboured, more than three (3) domestic rabbits in or about a dwelling unit within the Township.
- 2.5 No pet shop shall expose, display, keep, own harbour, sell or trade or permit to be exposed, displayed, kept, owned, harboured, sold or traded any prohibited animal within the Township.

Wildlife

- 2.6 No person shall keep, own, harbour, or permit to be kept, owned or harboured any wildlife within the Township.
- 2.7 No person shall feed wildlife within the Township.
- 2.8 Section 2.7 shall not apply when,
- a) the person is feeding indigenous wild birds on their own property; and
 - b) the person ensures that all food and debris is contained within a bird feeder on their own property; and
 - c) the person ensures that any debris or bird waste is cleaned and disposed of in a sanitary manner.
- 2.9 No person shall bait wildlife within the Township.
- 2.10 Section 2.9 shall not apply when,
- a) the person is baiting wildlife in accordance with the provisions of the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41.

Livestock

- 2.11 No person shall keep, own, harbour, or permit to be kept, owned or harboured any livestock within the Township of Uxbridge.
- 2.12 Section 2.11 of this by-law shall not apply to livestock kept, owned or harboured in any area zoned Rural (RU) in accordance with the Township of Uxbridge Zoning By-law No. 1981-19, as amended.

Pigeons

- 2.13 Every owner of domestic pigeons shall:
- a) keep no more than seventy (70) pigeons at any time;
 - b) be a member of a recognized pigeon club which is affiliated with a national organization;
 - c) ensure all pigeons are not kept in, upon, or under any dwelling unit, apartment building or other building used for human habitation;
 - d) keep all pigeons in a pigeon enclosure of sufficient size to house all pigeons; which shall be of a minimum height of 1.8 metres, with a minimum floor area measuring 1.5 metres in length and 1.5 metres in width for every ten (10) pigeons, and shall be constructed as to prevent escape of pigeons;
 - e) ensure the pigeon enclosure is located no less than seven (7) metres from any dwelling unit, apartment building, commercial establishment, industrial establishment, recreational establishment or other building used for human habitation and no less than three (3) metres from any lot line;

- f) ensure each pigeon wear a metal or plastic leg band that shall identify the owner of the bird, and shall register these numbers with a recognized pigeon club which is affiliated with a national organization;
 - g) ensure the pigeons do not stray, perch, roost, nest or rest upon any premises other than on premises of the owner;
 - h) keep the pigeons in a building, structure, loft, pen, coop or run which is maintained in a state of good repair;
 - i. pursuant to Section 2.13(h) of this By-law, ensure the building, structure, loft, pen, coup or run is in compliance with the Township of Uxbridge Zoning By-law No. 1981-19 as amended, and the *Ontario Building Code Act, 1992. S.O. 1992, Chapter 23.*
 - i) lime wash, paint or disinfect the inside walls and ceilings of all buildings, structures, lofts, pens, coops and runs used for the keeping of pigeons other than outside runs enclosed solely with wire, at least four times per calendar year;
 - j) remove and dispose of in a sanitary manner, at least twice each week, all pigeon droppings and refuse within or adjacent to all buildings, structures, lofts, pens, coops and runs used for the keeping of pigeons, it being understood that this requirement shall not apply when below freezing temperatures prevent waste removal and disposal;
 - k) keep the pigeons enclosed at all times, except to allow a maximum of two (2) daily, two (2) hour, flight periods during which no more than fifty percent (50%) of the total number of pigeons being kept shall be permitted to be at large during any particular flight period, it being understood that this restriction shall not apply to members of a racing pigeon club when the members are participating in a bona fide flight conducted by the club.
 - l) store all pigeon feed in animal-proof containers;
 - m) ensure that no pigeon is fed when outside of its enclosure.
- 2.14 No person shall keep, own, harbour, or permit to be kept, owned, or harboured, pigeons in an enclosure that does not provide adequate space, lighting or ventilation for the number of pigeons kept within.

Section 3 - Minimum Animal Care Requirements

- 3.1 Every owner permitted to keep, own or harbour, an animal pursuant to this by-law, shall provide or cause such animal to be provided with adequate food, water, shelter and veterinary care as required to maintain the health and well-being of the animal.
- 3.2 Section 3.1 of this By-law shall be enforced by an inspector or agent, authorized by the OSPCA, under the provisions of *The Ontario Society for the Prevention of Cruelty to Animals Act, R.S.O. 1990, c. 0.36, as amended.*

Section 4 - Control of Animals

- 4.1 Every Officer may, at any reasonable time pursuant to By-law No. 2009-055, The Powers of Entry for the Purpose of Inspection By-law, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this By-law are being complied with.
- 4.2 Every Officer shall have the power to seize and impound any prohibited animal found within the Township contrary to the provisions of this By-law.
- 4.3 Every Officer exercising the power to inspect, seize or impound pursuant to Section 4.1 and Section 4.2 of this by-law may be accompanied by an assisting agency acting under his direction.

- 4.4 Every Officer, prior to utilizing an assisting agency, shall cause the assisting agency to sign an agreement that they are operating under the direction of the Officer stating that:
- a) any animal seized, or impounded by the assisting agency under the direction of the Officer shall be under the control and authority of the Township;
 - b) the assisting agency shall not possess any ownership rights or control of the prohibited animal and is solely acting as a custodial assistant under the direction of the Officer;
 - c) the assisting agency shall immediately release the animal to an Officer or to an owner when directed by the Officer.
- 4.5 An Officer may release a prohibited animal to a person claiming to be the Owner of the animal only where such person within five (5) days, exclusive of Sundays and statutory holidays, after the date of seizure and impounding, provides:
- a) proof of ownership of the prohibited animal to the satisfaction of the Officer;
 - b) proof that the premises at which they intend to keep the animal is not within an area of the Township where the keeping of such an animal is prohibited by this By-law;
 - c) proof that the prohibited animal shall be removed from the Township within twenty-four (24) hours of release to a municipality where the animal is permitted;
 - d) payment to the Township of the fee for seizing and impounding of a prohibited animal pursuant to Section 4.2 of this By-law as set out in Schedule 'B' to this By-law, and shall be reflected in the Township Fees By-law;
 - e) payment to the Township of an administrative fee as set out in Schedule 'B' to this By-law, and shall be reflected in the Township Fees By-law;
 - f) payment to the Township of any cost of veterinary care received by the animal after being seized and impounded that the Officer deemed necessary for the well being of the animal; and
 - g) payment to the Township of any cost incurred by an assisting agency acting under the direction of an Officer for the seizure and impoundment of an animal.
- 4.6 Where seized and impounded pursuant to Section 4.2 of this By-law, on the sixth (6th) day, exclusive of Sundays and statutory holidays, after the date of seizure and impounding, the prohibited animal has not been released to the Owner pursuant to Section 4.5 of this by-law, the Township may:
- a) sell or make gift of the prohibited animal; or
 - b) release the prohibited animal to a bona fide zoo or other facility authorized to keep and care for such prohibited animal and that facility may include a facility named under or subject to the Animals for Research Act, R.S.O. 1990, Chap. A.22; or
 - c) euthanize the prohibited animal in a humane manner subject to the Animals for Research Act, R.S.O. 1990, Chap. A.22.
- 4.7 Where a prohibited animal seized and impounded is injured or should be euthanized without delay for humane reasons, or for reasons of safety to person or animals, or the inability to provide adequate housing for the prohibited animal, an Officer may euthanize, or order to be euthanized the prohibited animal in a humane manner as soon after as he sees fit without permitting any person to claim possession of the animal and without offering it for sale and no damages or compensation shall be recovered or recoverable on account of its destruction.
- 4.8 Nothing in this By-law shall prevent an Officer from euthanizing a prohibited animal which is suffering illness or injury and, in the Officer's opinion, will not humanely sustain life.

- 4.9 Animal Control shall keep a record of all prohibited animals seized and impounded pursuant to this By-law.

Section 5 - Exceptions

- 5.1 The provisions contained in Section 2 of this By-law shall not apply to prohibited animals kept:
- a) by the Township;
 - b) by any recognized OSPCA or Humane Society facility;
 - c) as a Service Animal;
 - d) in a permanent premise or facility accredited by the Canadian Association of Zoos and Aquaria (CAZA) or a temporary exhibit or show conducted by a CAZA accredited institution for the purpose of education, provided that such exhibit or show is limited to three (3) days at any one (1) location and prohibited animals are only present during the educational component;
 - e) at a location where professionally produced films or television shows, which possess a valid Township Filming Permit, require the use of prohibited animals, provided there is supervision by inspectors and agents of the OSPCA;
 - f) on the premises of an accredited veterinary facility under the supervision of a veterinarian licensed pursuant to the *Veterinarians Act, R.S.O. 1990, Chapter V.3, as amended*;
 - g) by a medical or educational institution, or other accredited school where prohibited animals are being kept for research, study or teaching purposes, on a premises registered as a research facility under the *Animals for Research Act R.S.O. 1990 c.A.22*;
 - h) at a premises where wildlife rehabilitation is being undertaken in accordance with *the Fish and Wildlife Conservation Act, 1997, S.O. 1997, Chapter 41, as amended* and associated regulations under the jurisdiction of the Ontario Ministry of Natural Resources or the Canadian Wildlife Service.
 - i) by an animal exhibition on a premises approved by the Township, including but not necessarily limited to, a person conducting a circus, rodeo or petting zoo in accordance with the Township Comprehensive Business Licensing By-law.

Section 6 - Penalties

- 6.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to pay a fine or penalty for each offence, exclusive of costs, as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as may be amended from time to time.

Section 7 - Administration

- 7.1 Unless otherwise indicated, the administration of this By-law shall be assigned by Council to the Director of Legislative Services/Clerk who may delegate the performance of his functions under this By-law from time to time as occasion requires.
- 7.2 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender or vice versa, where applicable.
- 7.3 If there is a conflict between a provision in this By-law and a provision of any other Municipal By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

Section 8 - Enforcement

- 8.1 An Officer shall be responsible for the enforcement of this By-law.
- 8.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer or the Clerk while exercising any power or performing any duty under this By-law.

Section 9 - Grandfathering

- 9.1 This By-law shall come into full force and effect on the date of its passing by Council.
- 9.2 This By-law shall apply to all Prohibited Animals which were kept, owned or harboured or permitted to be kept, owned or harboured before this By-law was enacted and passed.

Section 10 - Repeal of Existing By-laws

- 10.1 That By-law No. 1990-009, as amended, shall be repealed in its entirety.

Section 11 - Severability

- 11.1 In the event any section or provision of this By-law is held invalid, the remainder of the By-law shall continue in force.

READ a FIRST, SECOND and THIRD TIME and finally passed this 11th day of November, 2013.


GERRI LYNN O'CONNOR
MAYOR


DEBBIE LEROUX
CLERK