

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 23-XX

Being a By-Law to prohibit and regulate the keeping of exotic and other certain kinds of animals within the City of Elliot Lake.

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 confers the power upon a municipality to regulate and prohibit respecting a matter, to provide for a system of licences, permits, approvals or registrations respecting a matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

AND WHEREAS section 11(2) of the Municipal Act confers the power upon a municipalities to enact by-laws to provide for the health and well-being of persons and for the protection of persons and property;

AND WHEREAS section 103 of the Municipal Act permits the seizure and impounding of animals being at large or trespassing contrary to the by-law and for the sale and impoundment of such 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 section 391 of the Municipal Act enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it;

NOW THEREFORE the Council of the Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

In this by-law:

“Animal” means any member of the animal kingdom or living beings, including mammals, birds and reptiles, but excluding fish.

“Animal sanctuary” means a facility where animals are brought to live and be protected for the rest of their lives. Animals living in the sanctuary shall not have been purchased nor shall they be sold, traded, or used for animal testing.

“Cause to be sold” for purposes of this By-Law means a result, action or condition that causes a Prohibited Animal Species to be sold or made available for sale;

"Council" means the Council of The Corporation of the City of Elliot Lake;

“Disposed of” means the action of doing away with or destroying in a humane manner a prohibited animal species;

“Eco-System” means a community of plants, animals and smaller organisms that live, feed,

“Keep” means to have temporary or permanent control or possession of an animal. Reproduce and interact in the same area or environment;

“Livestock” means any domestic fowl (including chickens, ducks, turkeys, guinea fowl, etc.), domestic rabbits (where more than three are kept), any member of the family equidae (includes ponies, donkeys, mules, horses, zebras, asses and mules), any member the genus Bos (including cows, steers, bulls, oxen) or other cattle (including goats, pigs, sheep, llamas, mink, emus, ostrich) used or kept for agricultural purposes.

“Medically Significant” refers to venom or poison that causes severe illness, permanent or temporary tissue and/or nerve damage, blood pressure irregularities and possible death in humans and domestic animals;

"Municipal enforcement officer" means a person appointed under the authority of the Police Services Act for the purpose of enforcing by-laws;

“Owner” means a person, or the person’s authorized agent, who possesses, keeps or harbours animals within the City, and where the owner is a minor, the person responsible for the custody of the minor.

“Poison” refers to substances that cause disturbances to organisms when a sufficient quantity is absorbed by an organism;

“Poisonous”, with specific reference to ‘Poisonous Animals’, means animals that possess toxins that are dispersed in their body tissues and which are activated when the animal is ingested;

“Prohibited Animal Species”, for purposes of this by-law, shall include animals that:

- i. are venomous or poisonous and whose venom or poison is medically significant to humans or domestic animals;
- ii. pose a real or potentially hazardous threat to humans, domestic animals or farm animals;
- iii. pose a real or potentially hazardous threat to the local eco-system;
- iv. are cited in the Control List as published by the Canadian Wildlife Service of Environment Canada;
- v. are listed in Schedule “B” to this By-Law, which list may be revised from time to time; and/or;
- vi. are prohibited or controlled by federal or provincial legislation. But does not include bees as defined in the Bees Act R.S.O. 1990 C. B6;

“Sell” for purposes of this By-Law shall include the exchange of a prohibited animal species for an amount of money or its equivalent;

“Transfer Ownership” for purposes of this By-Law means the transfer of a prohibited animal species from one owner to another owner;

“Venom” refers to any variety of toxins used by certain types of animals to inject their victims;

“Venomous”, with reference to “Venomous Animals”, means any animals that inject their victims with toxin by means of a bite, sting, or other sharp body feature;

1. KEEPING OF CERTAIN KINDS OF ANIMALS PROHIBITED

- (a) Subject to Section 5, no person shall keep or cause to be kept or have custody of any animal listed on Schedule "A", attached hereto.
- (b) No person shall, whether temporarily or permanently, keep, harbour, maintain, or possess wildlife.

2. PROHIBITED ANIMAL SPECIES

- (a) No person shall own, Sell or cause to be sold, or transfer ownership of a Prohibited Animal Species within the City of Elliot Lake;
- (b) Despite Subsection 2 any person who, on the date of the passage of this by-law was lawfully keeping a Prohibited Animal Species as defined in this by-law may keep that animal until the animal has died or has otherwise been disposed of;
- (c) No person shall transport a Prohibited Animal Species within the City of Elliot Lake except where Section 2 applies; and
- (d) No person shall permit a Prohibited Animal Species to run at large within the City of Elliot Lake.

3. LIVE STOCK

- (a) No person shall have livestock on their property unless it is zoned accordingly under the Zoning By-Law and subject to any other piece of legislation.
- (b) No owner of livestock shall allow their livestock to run at large within the City of Elliot Lake;
- (c) For purposes of Part 13, "Livestock", livestock shall be deemed to be running at large if found in any place other than the premises of the owner of the livestock and not under the control of any person.
- (d) The owner of any livestock found running at large shall be liable for all damages caused by such livestock running at large and for any expenses incurred by the City in responding to livestock running at large.

- (e) A By-law Officer, or any person acting under the authority of the Pounds Act, R.S.O. 1990, as amended, may impound or restrain any livestock running at large. 3.
- (f) In the event that such livestock running at large cannot be safely impounded, a By-law Officer, or any person acting under the authority of the Pounds Act, R.S.O. 1990, as amended, may authorize the tranquilizing or euthanasia of such livestock.

4. EXEMPTIONS

- (a) The provisions of Section 1(a) do not apply to the keeping of those animals listed in Schedule “B” or, in the circumstances listed in Schedule “C”.

5. PENALTY

- (a) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the *Provincial Offences Act, R.S.O., 1990, c. P33, as amended*.
- (b) No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

6. SHORT TITLE

- (a) This by-law shall be known as the “Exotic Pets By-Law”.

PASSED this day of , 2023.

MAYOR

CITY CLERK

Being a list of animals the keeping of which is prohibited within the City of Elliot Lake

- All Marsupials (such as kangaroos and opossums)
- All Non-human Primates (such as gorillas and monkeys)
- All Felids except the domestic cat
- All Canids except the domestic dog
- All Viverrids (such as mongooses, civets and genets)
- All Mustelids (such as skunks, weasels, otters, badgers) except the domestic ferret
- All Ursids (bears)
- All Artiodactylus Ungulates (such as domestic goats, sheep, pigs, and cattle)
- All Procyonids (such as racoons, coatis, and cacomistles)
- All hyaenas
- All Perissodaetylus Ungulates, except the domestic horse and ass
- All Elephants
- All Pinnipeds (such as seals, fur seals and walruses)
- All snakes of the families pythonidae and boidae
- All Venomous reptiles
- All Ratite Birds (such as ostriches, rheas, cassowaries)
- All Diurnal and Nocturnal Raptors (such as eagles, hawks, & owls)
- All Edentates (such as anteaters, sloths and armadillos)
- All bats
- All Rodentia, (such as rats, porcupines and prairie dogs) except domestic pets such as hamsters, white mice, gerbils and guinea pigs
- All Crocodylias (such as alligators and crocodiles)
- All Venomous Arachnids (such as scorpions and tarantulas)
- All Anseriformes (such as ducks, geese, swans)
- All undomesticated Galliformes (such as grouse, pheasant, turkeys)

Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

Being a list of farm animals (livestock) exempt from the application of this by-law but subject to the provisions of other by-laws of the City of Elliot Lake i.e., zoning and any other piece of legislation.

Horse

Donkey, pony

Mule

Cow or steer

Goat

Swine

Mink

Fox

Chinchilla

Sheep

Chicken, Or any other domestic galliformes

Being a list of places or circumstances, which are exempt from the application of this by-law.

1. On the premises of a park, zoo or animal display operated by, or on behalf of The Corporation of the City of Elliot Lake;
2. On the premises of The City of Elliot Lake and the *District Society for the Prevention of Cruelty to Animals* and the *Society for Animals in Distress*;
3. In a veterinary hospital under the care of a licensed veterinarian;
4. On the premises of a university or community college where such animals are being kept for research, study or teaching purposes or on premises registered as research facilities under Section 5 of The Animals for Research Act, R.S.O. 1970, Chapter 22;
5. By anyone holding a licence under any statute of the Legislatures of Ontario or The Government of Canada, which permits the keeping of animals under stated conditions.
6. On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production;
7. On premises which are temporarily used for a traveling show such as a circus or other like shows.

Prohibited Animals

Order, Class or Family	Examples
Mammals	
Canidae, excluding domestic dog	Coyotes, wolves, foxes, hybrid wolf dog
Felidae, excluding domestic cat	Tigers, leopards, cougars, lion, lynx
Non-Human Primates	Chimpanzees, gorillas, monkeys, lemurs
Proboscidae	Elephant
Ursidae	Bears
Reptiles	
Crocodylia	Alligators, crocodiles, gavials, caiman
All Snakes which reach an adult length larger than 3 metres	Reticulated python, Burmese python, green anaconda, yellow anaconda, African rock python, Indian python, amethyst python
All Lizards which reach an adult length larger than 2 metres, measured from snout to tip of tail	Crocodile lizard, monitor lizard
The examples provided are only provided as a guide and shall not be considered to include all prohibited animal species within an animal order, class or family.	

THE CORPORATION OF THE CITY OF ELLIOT LAKE
PART I PROVINCIAL OFFENCES ACT
BYLAW 23-XX: EXOTIC PETS
Schedule E – Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining	Column 3 Set Fine
1.	Own, keep, harbour, possess or have custody of a prohibited animal species	Section 1.(a)	\$ 300.00
2.	Sell or cause to be sold a prohibited animal species	Section 2.(a)	\$ 500.00
3.	Transfer ownership of a prohibited animal species	Section 2.(a)	\$ 500.00
4.	Transport a prohibited animal species	Section 2(c)	\$ 300.00
5.	Permit a prohibited animal species to run at large	Section 2.(d)	\$ 500.00
6.	Owner of livestock allowing livestock to run at large	Section 3.(b)	\$ 200.00

Note: The general penalty provision for the offences listed above is section 5(a) of bylaw 23- XX, a certified copy of which has been filed.