

THE CORPORATION OF THE TOWN OF ERIN

BY-LAW #16- 33

A BY-LAW TO regulate the keeping of animals and any class thereof that may be kept by any person on lands within the Town of Erin, and to repeal By-laws 13-34 and 14-21.

Whereas subsection 11 of the Municipal Act, 2001 provides that the Town of Erin may pass by-laws respecting animals.

And whereas subsection 103 of the Municipal Act provides that the Town of Erin may impound animals.

NOW THEREFORE THE COUNCIL OF THE TOWN OF ERIN HEREBY ENACTS AS FOLLOWS:

PART 1 – DEFINITIONS

- | | |
|----------------------|--|
| Dog | shall mean a domesticated mammal commonly known as a dog of any canine species apparently over the age of twelve (12) weeks. |
| Cat | shall mean a domesticated mammal of the Felis Catus species commonly known as a cat apparently over the age of eight (8) weeks. |
| Exotic Animal | shall mean any member of the animal kingdom of living beings not indigenous to CANADA including and without limiting the generality of the foregoing, mammals, birds and reptiles which are set out in Schedule “A” to this by-law but shall not include any Domestic Animals. |
| Keep | shall include harbouring or possessing for any period of time, whether temporary or not. |
| Wild Animals | shall mean any animal indigenous to Canada of a wild nature or disposition (ferae naturae). |

PART 2 - PROHIBITED ANIMALS

- (a) No person shall keep, or cause to be kept, any exotic animal within the Town of Erin as described but not limited to Schedule A of this By-law.
- (b) No person shall keep, or cause to be kept, a venomous reptile, or venomous insect within the Town of Erin.
- (c) No person shall keep, or cause to be kept, any wild animal in the Town of Erin except on a temporary basis while such animal is injured or unable to fend for itself.

- (d) Every person keeping a reptile or insect which is not prohibited by this by-law shall keep it in an escape-proof enclosure.
- (e) No person shall keep, or cause to be kept, a horse, donkey, pony, llama, mule, cattle beast, goat, swine, sheep, ostrich or licensed wildlife within the Town of Erin except on land zoned to permit agricultural uses as enacted under Section 34 of the Planning Act, R.S.O. 1990 Chap.P.13, as amended.

PART 2A) - EXEMPTIONS

The provisions of Section 1) do not apply to;

- a) In a veterinary hospital under the care of a licensed veterinarian;
- b) Institutions accredited by the Canadian Association of Zoological Parks and Aquariums;
- c) Any person licensed or exempted under the Animals for Research Act, R.S.O. 1990 Chap.A.22, as amended,
- d) Any person while temporarily exhibiting exotic animals or wild animals to elementary schools, secondary schools, universities, or provincial institutions;
- e) By anyone holding a license under any statute of the Legislature of Ontario or the Government of Canada which permits the keeping of animals understated conditions.

PART 3) REGULATIONS pertaining to the keeping of Collobiformes, Galliformes and Anseriformes:

- a. In an Agricultural (A) Zone in the Town of Erin Zoning Bylaw, no person shall keep Collobiformes (pigeons and doves), Galliformes (pheasants, grouse, guinea fowl, turkeys, chickens and peafowl), Anseriformes (ducks, geese, swans, screamers) in the open or in an enclosed or accessory structure that is:
 - i. Within 10 metres of a house, school or church on an adjacent property, or
 - ii. Within 3 metres of a side or rear lot line as defined in the Town of Erin Zoning Bylaw, or
 - iii. In a front or side yard as defined in the Town of Erin Zoning Bylaw
- b. In a R1, R2, R3 and FD Zone in the Town of Erin Zoning Bylaw, in addition to the provisions of 3a, the following additional provisions apply:
 - i. No more than 60 Collobiformes, 5 Galliformes or 5 Anseriformes may be permitted on a property,
 - ii. All enclosures or accessory building housing any of the above animals shall be designed and constructed to be escape proof and no birds are permitted to stray, perch, roost or rest upon lands, premises or buildings of any person or upon any public place, except on the property of the person keeping the birds,

- iii. All enclosures or accessory buildings shall be kept in a good state of repair
 - iv. All refuse resulting from the keeping of birds shall be contained in air tight containers to prevent odours and disposed of in a manner that does not create a public nuisance or health hazard
 - v. Dead birds shall be disposed of in a manner that prevents infectious diseases and protects public health
- c. No person shall keep Collobiformes, Galliformes or Anseriformes in any zone in the Town of Erin except those set out in 3a and 3b above.

PART 4) PENALTIES & OFFENCES

Any person who contravenes any provision of this By-law is guilty of an offence pursuant to the Provincial Offences Act, and upon conviction is liable to a fine for each offence committed or as set out in the Provincial Offences Act as amended from time to time.

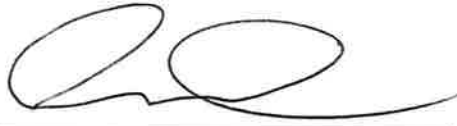
PART 5) EFFECTIVE DATE

This by-law shall take effect on the date of enactment.

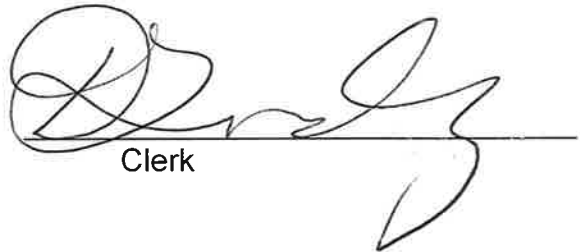
PART 5) REPEAL OF BY-LAWS

By-law 13-34 and By-law 14-21 are hereby repealed upon enactment of this By-law.

Passed in open Council on June 7, 2016.



Mayor



Clerk

By-Law #16-
Schedule A
PROHIBITED ANIMALS

No person shall keep animals belonging to the following orders of animals;

- Canidae** (eg, coyotes, wolves, foxes hybrid wolf dogs) except dogs;
- Rodentia** (e.g.. such as porcupines and prairie dogs) except rodents which do not exceed 1,500 grams and are derived from self –sustaining captive populations
- Chiroptera** (e.g. bats, myotis and flying foxes);
- Crocodylia** (e.g. alligators, crocodiles, gavials and caimans);
- Edentates** (e.g. anteaters, sloths and armadillos);
- Felidae** (e.g. tigers leopards cougars) except domestic cats;
- Hyaenidae** (e.g. hyaenas)
- Marsupialia** (e.g. koalas kangaroos, opossums and wallabies) except sugar gliders derived from self-sustaining captive populations;
- Primates** (e.g. chimpanzees, gorillas, monkeys and lemurs);
- Proboscidea** (e.g. elephants, rhinoceros, hippopotamuses);
- Squamata** (e.g. lizards and snakes) *except;*
- A)** *Non-venomous snakes where neither the female nor the male of the species exceeds or will exceed 3 metres in length from nose to tip of tail before or at maturity;*
- B)** *Non-venomous lizards (not including Iguana) where neither the female nor the male of the species exceeds or will exceed 2 metres in length from nose to tip of tail before or at maturity;*
- Ursidae** (bears)
- Viverridae** (such as mongooses, civets & genets)
- Wildlife/Endangered Species**