

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO. 7110/11

A by-law to prohibit or regulate livestock/exotic animals.

WHEREAS Section 11(3) of the *Municipal Act, 2001* authorizes the City to pass by-laws respecting animals; and

WHEREAS Section 151 of the *Municipal Act, 2001* authorizes the City to provide for a system of licences with respect to any business wholly or partly carried on within the City; and

WHEREAS Section 103 of the *Municipal Act, 2001* authorizes the City to pass a by-law to provide for the seizure and impounding of animals and the sale of impounded animals under certain conditions.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING HEREBY ENACTS AS FOLLOWS:

PART I – INTERPRETATION

Definitions

1. In this by-law,

"agricultural zone" means a property defined as agricultural under the City's Zoning By-laws and of a minimum size of five (5) acres;

"animal" means any member of the animal kingdom, other than a human, dog or cat;

"Animal Services Officer" means a municipal law enforcement officer employed by the City to enforce municipal by-laws;

"at large" means when an animal is found in any place other than the premises of the owner, and not under the physical control of any person, unless prior consent is given by the person owning the premises on which the animal is found;

"City" means The Corporation of the City of Pickering or the geographic area of the City of Pickering, as the context requires;

"domestic" describes an animal that has been tamed by humans and has, through selective breeding, become notably different from its wild ancestors, and includes an animal derived from self-sustaining captive populations;

"dwelling unit" means a room or suite of one or more rooms designed or intended for use by an individual or family in which culinary and sanitary conveniences are provided for the exclusive use of such individual or family and with a private entrance from outside the building or from a common hallway or stairway inside;

"licensee" means a person, partnership or corporation to whom a temporary licence has been issued to under the provisions of this by-law;

"livestock" means any domestic fowl (including but not limited to chickens, ducks, geese, turkeys, guinea fowl, swans and ostrich), domestic rabbits (when more than 3 rabbits 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, or rhea; used or kept for agricultural purposes;

"owner" means the owner of an animal and includes a person possessing or harbouring an animal within the City, and, where the owner is a person under the age of 18 years, the person responsible for the custody of the person under the age of 18 years;

"pigeon" means a member of the widely distributed family of birds derived from self sustaining captive populations of Columbidae;

"prohibited animal" means any animal set out in Schedule 3 of this By-law;

"urban area" means the area within the urban boundary as delineated in Schedule 4 of this by-law; and

"wildlife" means an animal indigenous to North America and/or wild by nature or disposition (feral or ferae) as outlined in Schedules 1 through 11 of the Fish and Wildlife Conservation Act, 1997.

References to Legislation

2. In this by-law, reference to any Act, regulation or by-law is reference to that Act, regulation or by-law as it is amended or re-enacted from time to time.

Word Usage

3. This by-law shall be read with all changes in gender or number as the context may require.
4. A grammatical variation of a word or expression defined has a corresponding meaning.

Schedules

5. Schedule 1 (IMPOUND FEE SCHEDULE); and
Schedule 2 (TEMPORARY LICENCE FEE SCHEDULE); and
Schedule 3 (PROHIBITED ANIMALS); and
Schedule 4 (MAP OF URBAN/RURAL DELINIATION) are attached to and form
part of this by-law.
6. Unless otherwise specified, references in this by-law to Parts, sections and
Schedules are references to Parts, sections and Schedules in this by-law.

Conflicts

7. If a provision of this by-law conflicts with a provision of any applicable Act,
regulation or by-law, the provision that establishes the higher or more restrictive
standard to protect the health, safety and welfare of the general public shall
prevail.

Severability

8. Each section of this by-law is an independent section, and the holding of any
section or part of any section of this by-law to be void or ineffective for any reason
shall not be deemed to affect the validity of any other section or parts of sections
of this by-law.

PART II – REGULATIONS

General

9. No person shall keep, own or harbour, or permit to be kept, owned or harboured
on a temporary or permanent basis any prohibited animal in the City.
10. No person shall keep, own or harbour, or permit to be kept, owned, or harboured,
on a temporary or permanent basis wildlife within the City.
11. For the purposes of Section 9 and 10, prohibited animals are those class of
animals listed in Schedule 3.

Exceptions

12. Notwithstanding the provisions of Section 10, a person may keep, own or harbour
indigenous wildlife if the person keeping such animal is permitted to do so under
the authority of the Fish and Wildlife Conservation Act, S.O. 1997,c.41, and the
Canadian Wildlife Service.

Pigeons

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 bird enclosure of sufficient size to house all birds; 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 10 birds, and shall be constructed as to prevent escape of pigeons;
 - (e) ensure the bird 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 property line;
 - (f) ensure each pigeon wear a metal or plastic leg band that shall identify the owner of the bird,
 - (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) lime wash, paint and 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, as necessary;
 - (j) remove and dispose of in a sanitary manner, on a regular basis, all pigeon droppings and refuse;
 - (k) store all pigeon feed in animal-proof containers;
 - (l) keep the pigeons enclosed at all times, except to allow one daily flight; and
 - (m) ensure that no pigeon is fed when outside of its enclosure.

14. No person shall keep or permit to be kept pigeons in an enclosure that does not provide adequate space or lighting or ventilation for the number of pigeons kept within.

Animals running at large

15. No owner of an animal shall allow the animal to run at large within the limits of the City.
16. Any person may take possession of any animal found running at large and shall forthwith deliver the animal to an Animal Services Officer.

Control of animals

17. An Animal Services Officer may seize and impound any animal:
 - (a) found running at large; or
 - (b) delivered to the City by a person finding the animal running at large.
18. An Animal Services Officer shall restore possession of the animal to a person claiming it only where:
 - (a) the Owner claims possession of the animal; and
 - (b) the Owner pays to the City an impound fee as identified in Schedule 1 of this by-law; and
 - (c) the person demonstrates that the place at which they intend to keep the animal is not within an area of the City where the keeping of such an animal is prohibited by this By-law; and
 - (d) the owner pays to the City any cost of veterinary care received by the animal after being taken into possession that the Animal Services Officer deemed necessary for the well being of the animal; and
 - (e) the owner pays to the City any cost(s) incurred by the City for the housing, care and well being of the animal.
19. Where on the sixth day, exclusive of Sundays and statutory holidays, after the date of impoundment, possession of the animal has not been restored to the Owner, the City may:
 - (a) Sell or make gift of the animal; or
 - (b) Otherwise dispose of the animal, or

- (c) If necessary, euthanize the animal.
20. Where an impounded animal is injured and should be euthanized without delay for humane reasons, or for reasons of safety to person or animals, the Animal Services Supervisor or his or her designate may euthanize the animal as soon after as he or she 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 the destruction of the animal.
21. Where the Animal Services Supervisor deems it necessary to euthanize an animal pursuant to section 20 of this By-law, he or she shall first make every reasonable attempt in the circumstances to contact the owner.

Minimum Animal Care Requirements

22. Every owner shall provide or cause an animal to be provided with adequate food, water, shelter and veterinary care as required to maintain the health and well-being of the animal.

PART III – GENERAL PROHIBITIONS

23. No person shall, keep, own, harbour, or permit to be kept, owned, or harboured, in the urban area more than two (2) domestic ferrets or chinchillas in or about a dwelling unit.
24. No person shall, keep, own, harbour, or permit to be kept, owned, or harboured, in the urban area more than three (3) domestic rabbits in or about a dwelling unit.
25. No person shall, keep, own, harbour, or permit to be kept, owned, or harboured, in the urban area more than one (1) pot bellied pig in or about a dwelling unit.

Feeding of Wildlife

26. No person shall feed wildlife within the City.

Exceptions

27. Section 26 shall not apply when,
- (a) the person is feeding indigenous wild birds on their own property; and
 - (b) the person is feeding food appropriate to the birds normal diet; and

- (c) the person ensures that all food and debris is contained within a bird feeder on their own property; and
- (d) the person ensures that any debris or bird waste is cleaned and disposed of in a sanitary manner.

PART IV – LICENSING

General

28. Every person who operates or carries on any exhibit, public show, zoo, circus, carnival or other display or act of entertainment in the City using any prohibited animals, or use such animal in any film or television production must obtain a temporary licence issued by the City and pay the amount prescribed in Schedule "2".

Submission of Applications for Temporary Licence

29. All temporary licence applications shall be completed and submitted on forms provided by the City.
30. The receipt of applications shall in no way obligate the City to issue a licence to any person, partnership or corporation.
31. Every applicant shall submit to the City Clerk,
- (a) a copy of the current deed to the property or other written proof, satisfactory to the City Clerk, that they are the owner of the property. Or, where applicable, written permission from the owner or property manager of the property where the exhibit, public show, zoo, circus, carnival or other display or act of entertainment is to be located and operated; and
 - (b) proof of membership in an accredited zoo association or other membership satisfactory to the City Clerk; and
 - (c) proof of general insurance liability in the amount of not less than five million dollars (\$5,000,000.00) that provides that the City shall be given at least 10 days notice in writing prior to any cancellation, expiration or variation in the amount of the policy; and
 - (d) a written statement containing,
 - i) a full description outlining the nature and function of the exhibit, public show, zoo, circus, carnival or other display or act of entertainment; and

- ii) a full description of the number and species of animals to be kept on site; and
 - iii) a full description outlining the steps taken to ensure the safety of the public; and
 - iv) a full description outlining how animal waste will be disposed of.
32. Temporary licences shall not be issued for a particular location unless,
- (a) the applicant has complied in all respects with any standards or regulations under the jurisdiction of the City, Pickering Fire Department, Region of Durham, the Durham Regional Police Service and any other applicable authorities, laws or regulations;
 - (b) the animals are provided with a species-appropriate living environment;
 - (c) the animals are used or kept in a place that has protective devices which are adequate to prevent the animals from escaping or injuring the public;
 - (d) a site inspection has been completed by the City and the site has been determined to be suitable.
33. The City may rescind any licence issued under this by-law at any time for non-compliance with any provision of this by-law or any other applicable laws or regulations.

Exceptions

34. Section 31(b) shall not apply to when the exhibitor or owner is displaying livestock.

Transfer

35. A temporary licence shall not be transferable.

Restrictions

36. No person shall operate or carry on any exhibit, public show, zoo, circus, carnival or other display or act of entertainment in the City using any prohibited animals, or use such animal in any film or television productions without a licence.

Inspections

37. An officer may, at any reasonable time, enter upon any land for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.

38. For the purposes of an inspection, an officer may,
- (a) require the production for inspection of any document or things relevant to the inspection;
 - (b) upon providing a receipt, inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
39. All licensees shall display at all times, in a prominent location, a copy of their temporary licence.

Restrictions

40. No licensee shall fail to display a temporary licence.
41. No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken by an officer.

Exceptions

42. The provisions contained in Section 9 and 10 of this by-law shall not apply to animals kept:
- (a) at an animal shelter operated by or on behalf of the City, the Ontario Society for the Protection of Animals, or the Humane Society.
 - (b) at a permanent, accredited zoo;
 - (c) by a medical or educational institution, or other accredited school where animals are being kept for research, study or teaching purposes, on premises registered as a research facility under the Animals for Research Act R.S.O. 1990 c.A.22;
 - (d) at a facility in which animals are placed for care pursuant to the *Pounds Act*;
 - (e) by a person holding a licence issued by the Government of Canada or the Province of Ontario permitting the keeping of animals, subject to the terms and conditions of the licence; or

- (f) by a person with the necessary approvals under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11, as amended;
- (g) at a licensed veterinary hospital or clinic; or
- (h) for the immediate emergency treatment to an injured, ill or abandoned animal.

Offences and Penalties

43. Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

PART V – GENERAL

Short Title

1. This by-law may be referred to as the "Prohibited/Exotic Animal By-law".

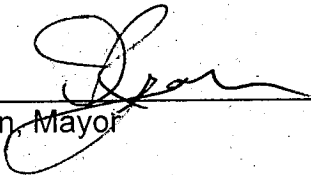
Repeal

2. By-law No. 1769/83 is repealed.

Effective Date

3. This by-law shall come into force on the day of its passing.

By-law read a first, second and third time and finally passed this 22nd day of February, 2011.



David Ryan, Mayor



Debbie Shields, City Clerk

SCHEDULE 1**IMPOUNDMENT FEES**

Impoundment of animal	\$40.00
Impoundment of animal after regular working hours	\$120.00
Daily Care Fee: Every animal that is impounded is subject to an additional charge for every day or part of a day after the day the animal is brought into impoundment. This fee is in addition to any costs charged due to the feeding, sheltering, veterinary care, etc. while the animal is in the possession of the City.	\$20/day

SCHEDULE 2

TEMPORARY LICENCE FEE

Temporary Licence Fee	\$200 per location per day
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SCHEDULE 3- PROHIBITED ANIMALS

A by-law to prohibit or regulate livestock/exotic animals.

Set out in the following tables are animals organized by Class, Order and Description. Descriptions are provided for illustration purposes only and are not intended to limit the extent of classes of animals referred to.

CLASS	ORDER	DESCRIPTION
MAMMALIA (MAMMALS)	All	All Families of Mammals are prohibited with the exception of domestic dogs, cats, chinchillas, degus, ferrets, gerbils, guinea pigs, hedgehogs, hamsters, mice, rabbits, rats, pot bellied pig, sugar gliders and livestock as defined and kept on property in an agricultural zone

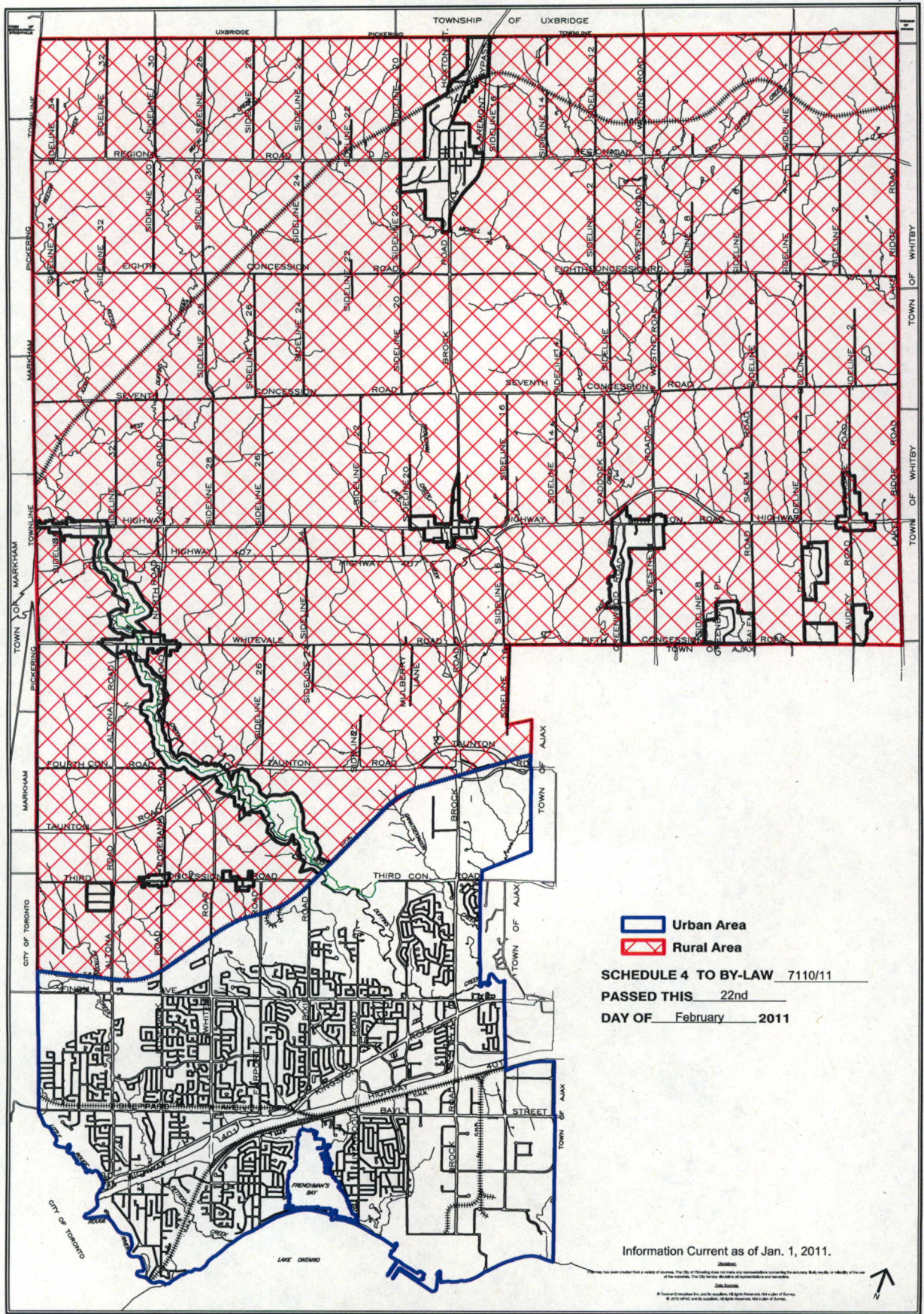
CLASS	ORDER	DESCRIPTION
REPTILIA (REPTILES)	Crocodylia	All families including crocodiles, alligators, caimans, gharial, gavials
	Squamata	All constricting snakes that reach an adult length of two (2) metres or more All venomous snakes All undomesticated snakes and/or lizards All venomous lizards All non-venomous lizards that reach an adult length of two (2) metres from snout to tip of tail
	Testudines	All members of the Chelydridae family (snapping turtles)

CLASS	ORDER	DESCRIPTION
AVES (BIRDS)	Anseriformes:	All families including Ducks, geese, swans, screamers, magpie-goose, with the exception of livestock as defined and kept on property in an agricultural zone
	Charadriiformes	All families including gulls, waders and auks.
	Galliformes	All families including Pheasants, grouse, guinea fowls, turkeys, chickens, with the exception of livestock as defined and kept on property in an agricultural zone
	Struthioniformes	All families including Flightless ratites(ostriches, rheas, emus, kiwis), with the exception of livestock as defined and kept on property in an agricultural zone
	Falconiformes	All families including Hawks, eagles, falcons, osprey
	Strigiformes	All families including owls

CLASS	ORDER	DESCRIPTION
CHILOPODA (CENTIPEDES)	All	All venomous centipedes

CLASS	Order	DESCRIPTION
INSECTA (INSECTS)	All	all venomous insects which includes but is not limited to; bees, wasps, hornets, jumping ants, bullet ants, and red harvester ants with the exception of livestock as defined and kept on property in an agricultural zone

CLASS	ORDER	DESCRIPTION
ARACHNIDA (SPIDERS)	All	all venomous spiders, and scorpions



- Urban Area
- Rural Area

SCHEDULE 4 TO BY-LAW 7110/11
 PASSED THIS 22nd
 DAY OF February 2011

Information Current as of Jan. 1, 2011.



The City of Ajax has created this map as a service to the public. The City of Ajax does not make any representation concerning the accuracy, reliability, or timeliness of the information. The City of Ajax does not accept any liability for any errors or omissions.