

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

BY-LAW NO. 2004-48

BEING A BY-LAW TO PROHIBIT AND REGULATE THE KEEPING OF EXOTIC ANIMALS IN THE MUNICIPALITY OF WEST ELGIN

WHEREAS Section 11(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction including but not limited to animals;

AND WHEREAS it is deemed desirable to pass a by-law to prohibit the keeping of certain animals within the limits of the Municipality of West Elgin;

NOW THEREFORE the Council of the Corporation of the Municipality of West Elgin enacts as follows:

DEFINITIONS

1. In this by-law the following definitions shall apply:
 - 1.1 "Animal" means any live non-human vertebrate or invertebrate including a bird or reptile;
 - 1.2 "Animal Control Officer" means a by-law enforcement officer employed by the Corporation of the Municipality of West Elgin or any other agency, society, association or person(s) appointed to enforce this by-law;
 - 1.3 "Domesticated" means tame animals bred or kept by humans;
 - 1.4 "Escape Proof Enclosure" means a cage, box, or other enclosed container from which an animal cannot escape without human intervention, and from which no part of the animal can protrude or extend;
 - 1.5 "Exotic animal" means any animal not indigenous to Canada and/or not commonly kept as a household pet in Canada whether or not such animal is classified as wild. Prohibited animals are set out in Schedule A of this by-law.

GENERAL PROHIBITIONS

2. Except as provided in subsection 3 of this by-law, the keeping, owning or harbouring of any animal listed in Schedule "A" to this by-law is prohibited anywhere in this municipality.
3. Notwithstanding subsection 2 this prohibition does not apply to:
 - 3.1 An animal centre operated by the Ontario Society for the Prevention of Cruelty to Animals or the Municipality of West Elgin
 - 3.2 A veterinary hospital under the care of a licensed veterinarian.

4. No person shall keep, or cause to be kept, a reptile, insect or amphibian permitted under this by-law unless they are kept in an escape proof enclosure.
5. Despite Section 2, persons may keep, or cause to be kept, the domesticated horse, ass, cattle, goat, deer, swine, sheep, lama, mink or domesticated fowl, within the Agricultural Zone with the Municipality of West Elgin.
6. Where certain species or types of animals are permitted, every person shall provide the animal or cause it to be provided with adequate and appropriate care, sanitary conditions, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the species.

ENFORCEMENT

7. Animal Control Officers shall administer and enforce this by-law.
8. Every person who contravenes any provision of this by-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act.
9. That this by-law shall come into force and effect upon final passage thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINAL PASSED THIS 8TH DAY OF JULY 2004

"Graham Warwick"
MAYOR

"Norma I Bryant"
CLERK

SCHEDULE 'A' to BY-LAW 2004-48

CLASS OF ANIMAL	COMMON NAMES (provided for illustration purposes only and are not intended to limit the extent of the classes of animal referred to)
All Anseriforms	Waterfowl
All Poisonous or Venomous Arachnids	Tarantula
All Arthropods	Scorpion, centipede, beetle
All Artiodactyl Ungulates	Camel, moose, giraffe, deer, buffalo
All Columbidae except racing, tumbler, homing or pouter pigeons	Pigeon, dove
All Canidae except the domestic dog	Wolf, jackal, fox
All Castoridae	Beaver
All Chiropterae	Bat
All Crocodylidae	Alligator, crocodile
All Endentates	Anteater, armadillo, sloth
All Erethizontidae	Porcupine
All Felidae except the domestic cat	Leopard, lion, tiger, lynx, panther, puma
All Galliforms	Grouse, wild turkey
All Hyanenidae	Hyena
All Lagomorpha except domestic rabbits	Snowshoe hare, cottontail rabbit
All Marsupialia	Bandicoot, kangaroo
All Mustelidae except domestic ferrets	Marten, polecat weasel
All Perissodactyl ungulates	Tapir, zebra
All Phasianidea	Partridge, pheasant quail
All Pinnipediae	Seal, walrus
All Non-Human Primata unless used as a service animal	Ape, lemur, monkey
All Proboscidea	Elephant
All Procyonidae	Coati, raccoon
All Raptors	Eagle, hawk, owl, vulture
All Sciuridae	Squirrel, chipmunk