

**Corporation of the City of Quinte West
By-law Number 16-139**

Being a By-law to prohibit and regulate certain animals in the City of Quinte West

Whereas section 10 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, provides that a municipality is authorized to pass by-laws respecting matters within the sphere of jurisdiction of animals;

And Whereas section 103 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded animals;

And Whereas section 425 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that the municipality may pass by-laws providing that a person who contravenes a by-law passed under the Act is guilty of an offence;

And Whereas Sections 444 and 445 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that where a contravention of a by-law has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention;

And Whereas Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may direct or require a person to do a matter or thing, and that in default of it being done by the person directed or required to do it, the municipality may have the matter or thing done at the person's expense and add the costs of doing so to the tax roll and collect them in the same manner as property taxes;

AND WHEREAS the Council of the City of Quinte West deems it is in the best interest of the residents of the City of Quinte West to provide for the prohibition and regulation of animals in the City of Quinte West;

Now Therefore Be It Enacted By The Council For The Corporation Of The City Of Quinte West As Follows:

1. This By-law shall be entitled the **"Animal Regulation By-law"**
2. **Definitions**
 - 2.1 In this By-law
 - (a) **"animal"** shall mean any member of the animal kingdom, other than a human.
 - (b) **"attractants"** shall mean any substance which could be reasonably expected to attract a wild animal or animals or does attract wild animals, strays, feral or abandoned animals.
 - (c) **"board/boarding"** shall mean a place where animals are housed and cared for temporarily, regardless of whether a fee is collected or not.
 - (d) **"breed/breeding"** includes the natural breeding of animals and the keeping of a pregnant animal.

- (e) **“Council”** shall mean the Council of the City of Quinte West or the designate of the Council.
- (f) **“feral animal”** shall mean an animal living in the wild but descended from domesticated individuals.
- (g) **“keep”** shall mean to have temporary or permanent control or possession of an animal, and the words “kept: or “keeping” have a similar meaning.
- (h) **“Municipal Law Enforcement Officer”** shall mean a Police Officer, an Animal Control Officer, a Municipal Law Enforcement Officer for the City of Quinte West, or anyone working under his/her authority.
- (i) **“prohibited animal”** shall mean an animal as listed in Schedule “A” to this by-law.
- (j) **“owner”** shall mean any person who possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and “owns” has the same meaning
- (k) **“running at large”** shall mean being found in any place other than the owner’s premises and not under the physical control of any person.

3. General

- 3.1 No person shall keep any prohibited animal anywhere in the City of Quinte West
- 3.2 No person shall breed or board or allow the breeding or boarding of any prohibited animal or animal, including domestic cats and dogs, on private property.
- 3.3 No person shall in the event that transportation of any prohibited animal is required to or from any place or property or circumstance where they may be kept, fail to keep the animal confined in a container that is fully closed and securely locked.
- 3.4 No person shall cause or permit any prohibited animal to run at large.
- 3.5 Any prohibited animal running at large contrary to the provisions of this by-law may be seized and impounded by the Municipal Law Enforcement Officer.
- 3.6 Where any prohibited animal is running at large contrary to the provisions of this by-law and cannot be seized and where the safety of persons or animals is endangered the Municipal Law Enforcement Officer may euthanize the animal immediately. The owner of the prohibited animal shall not be entitled to damages or compensation on account of the prohibited animal being euthanized.
- 3.7 Any prohibited animal found running at large contrary to this by-law may be seized and impounded and may, after five (5) days have elapsed, excluding the day it was impounded and statutory holidays, be sold or adopted out to a lawful recipient, or be disposed of.
- 3.8 The owner of a prohibited animal that has been seized and impounded shall pay all costs incurred during the impounding of the prohibited animal, and any charges incurred for the services of a veterinarian where necessary because the prohibited animal has been injured or where it is required that the prohibited animal be euthanized.

- 3.9 No person shall intentionally feed a wild animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be readily accessible by a wild animal, feral animal or stray domestic animal on private or public property.

4. Order

- 4.1 Where a Municipal Law Enforcement Officer is satisfied that any person has failed to comply with this By-law, the Municipal Law Enforcement Officer may make an Order requiring the person to:
- (a) take steps to correct the contravention; or
 - (b) discontinue the contravening activity.
- 4.2 An Order shall set out:
- (a) reasonable particulars of the contravention adequate to identify the contravention; and
 - (b) the date by which the Order must be complied with; and
 - (c) if applicable, the steps to be done.
- 4.3 Any person who fails to comply with an Order is guilty of an offence.
- 4.4 Where a person fails to comply with an Order, the City may, without notice to the person, cause the Order to be complied with at the person's expense.
- 4.5 For the purposes of causing the Order to be complied with, the City may enter upon the land at any reasonable time.
- 4.6 The City may recover any costs of causing the Order to be complied with from the person directed or required to so it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

5. Exemptions

- 5.1 Despite section 3.1, animals of the kinds listed in Schedule "A" may be kept in the places or circumstances as provided for in Schedule "B" attached hereto provided that:
- (a) the places or circumstances are a permitted use in compliance with the City of Quinte West Comprehensive Zoning By-law.
- 5.2 Section 3.1 does not apply to any person who keeps, any prohibited animal as listed in Schedule "A" on property where the keeping of the said animal is a permitted use in compliance with the City of Quinte West Comprehensive Zoning By-law.
- 5.3 Section 3.1 does not apply to any person who breeds or boards any animal as listed in Schedule "A" on property where the breeding or boarding of the said animal is a permitted use in compliance with the City of Quinte West Comprehensive Zoning By-law.
- 5.4 Section 3.9 does not apply to the feeding of song birds on a property, provided the following feeding requirements are met by the resident:

- (a) seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be readily accessible by wild animals;
- (b) bird feeding practices do not attract large flocks or homing birds such as wild, feral or domestic pigeons; and
- (c) spillage of seed upon the ground is removed by the property owner or resident forthwith and disposed of in such a manner that it does not attract wild animals, feral or stray domestic animals.

5.5 Section 3.9 does not apply in the following situations:

- (a) the leaving of food as a bait in a trap by a property owner or resident to capture a nuisance animal inhabiting or habituating their property; and
- (b) the leaving of food as bait by a licence trapper, an employee of a licence trapper or pest control company, or a Municipal Law Enforcement Officer in the performance of their duties.

6. Obstruction

6.1 No person shall obstruct or hinder or attempt to obstruct or hinder a Municipal Law Enforcement Officer or other authorized employee or agent of the municipality in the exercise of a power or the performance of a duty under this by-law.

7. Offence and Penalty Provisions

7.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to such fines and penalties as are prescribed by the Provincial Offences Act, R.S.O. 1990, c P.33, as amended.

7.2 Upon conviction being entered, the Court in which the conviction was entered and any Court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed in the By-law, make an Order prohibiting the continuation or repetition of the offence by the person convicted.

8. Validity

8.1 In the event that any provision or requirement of this By-law or the application of this By-law to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

8.2 In this By-law, unless the contrary intention appears, words importing the singular number shall include more persons, parties or things of the same kind than one, and words importing the masculine gender shall refer to females as well as males.

8.3 Where any provisions of this By-law conflict with any other by-law of the City, the most restrictive provisions shall apply.

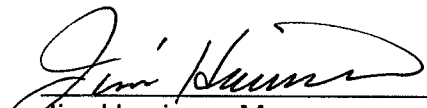
9. Repeal

9.1 By-law 04-15 is hereby repealed.

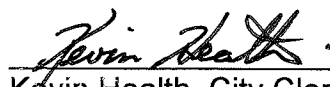
10. Effective Date

10.1 This By-law takes effect and comes into force upon final passing thereof.

**Read and First, Second And Third Time And Finally Passed This 7th Day of
November, 2016**



Jim Harrison, Mayor



Kevin Health, City Clerk

Schedule "A"

Prohibited Animals

CLASS	ORDER	COMMON NAMES
Mammalia	Artiodactyla	Cattle, goats, sheep, pigs, deer, elk, hippopotamus
	Carnivora	Coyote, wolves, foxes, hybrid dogs, tigers, leopards, lions, lynx, servals, meerkat, mongoose, hyena, mink, skunk, weasels, otters, badgers, raccoon, walruses, seals, fur seals, cacomistles, bears, giant panda, civets (Except domestic dog, domestic cat, ferret)
	Chiroptera	Bats, myotis, flying fox
	Cingulata	Armadillo
	Diprotodontia	Kangaroos, wallabies, possums, koala, wombats
	Lagomorpha	Hares, pikas (Except domestic rabbits)
	Non-Human Primates	Chimpanzees, gorillas, monkeys, lemurs
	Perissodactyla	Horses, donkeys, mules, zebras, rhinoceros
	Pilosa	Anteater, sloths
	Proboscidea	Elephants
Reptilia	Rodentia	Porcupine, prairie dogs, capybara, beaver (Except rodents such as chinchillas, hamsters and guinea pigs which do not exceed 1,500 grams and are derived from a self-sustaining captive population)
	Crocodylia	Alligators, crocodiles, caimans
	Squamata	Lizards which are venomous; Lizards which reach an adult length larger than 2 metres; Snakes which are venomous; Snakes which reach an adult length larger than 3 metres;
	Testudines	Red-eared slider turtles, snapping turtle, alligator snapping turtle
Aves (Birds)	Accipitriformes	Eagles, hawks, vultures (Except those owned by falconers licensed by the Ontario Ministry of Natural Resources and Forestry)
	Anseriformes	Ducks, geese, swans, screamers
	Casuariiformes	Emu, cassowary
	Columbiformes	Pigeons, doves
	Falconiformes	Falcons (Except those owned by falconers licensed by the Ontario Ministry of Natural Resources and Forestry)
	Galliformes	Chickens, pheasants, grouse, guinea fowl, turkeys, pea fowl
	Sphenisciformes	Penguins
	Strigiformes	Owls
Archnida	Struthioniformes	Ostrich
	Araneae	Spiders, tarantulas
	Scorpiones	Scorpions
Insecta	Solifugae	Camel Spiders
		All venomous insects
Amphibia		All venomous amphibians

* Note: The common names referred to in the right hand column are some of the names of the animals referred to in the middle column of this schedule. The common name is provided for information purposes only and is not intended to limit the extent of the classed of animals referred to.

Schedule "B"

Places for Keeping Animals

1. On the premises of an educational facility 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. 1990, c. A.22 22.
2. In a veterinary hospital under the care of a licenced veterinarian.
3. By anyone holding a licence under any Statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions.
4. On the premises of any television studio where such animals are being kept temporarily for the purpose of a television production.
5. In or on the facilities or equipment of any carnival or circus where such animals are being kept for displays or performance, on a temporary basis, within the boundaries of the City of Quinte West.

SET FINE SCHEDULE

THE CORPORATION OF THE CITY OF QUINTE WEST

PART 1, PROVINCIAL OFFENCES ACT

By-law # 16-139, being a By-law to prohibit and regulate certain animals in the City of Quinte West

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Keep prohibited animal	3.1	150
2	Breed prohibited animal on private property	3.2	200
3	Breed animal on private property	3.2	200
4	Board prohibited animal on private property	3.2	200
5	Board animal on private property	3.2	200
6	Fail to keep animal confined in a fully closed and securely locked container	3.3	100
7	Cause or permit prohibited animal to run at large	3.4	100
8	Feed a wild animal	3.9	100
9	Leave food attractants in such a manner to attract wild animals	3.9	100
10	Leave food attractants in such a manner to attract feral animals	3.9	100
11	Leave food attractants in such a manner to attract domestic animals	3.9	100
12	Obstruct or hinder officer	6.1	250
13	Attempt to obstruct or hinder officer	6.1	250

Note: The penalty provision(s) for offences indicated above is Section 7.1 of the By-law 16-139, a certified copy of which has been filed.