



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 146-2001

BEING A BY-LAW TO REGULATE AND PROHIBIT THE KEEPING OF EXOTIC ANIMALS IN THE TOWN FORT ERIE (310109)

WHEREAS Section 210(1) of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended provides that by-laws may be passed by the councils of local municipalities for prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof, and for restricting within the municipality or defined areas thereof, the number of animals or any class thereof that may be kept by any person, or that may be kept in or about any dwelling unit or class of dwelling unit as defined by the law, and

WHEREAS it is deemed desirable to prohibit and regulate the keeping of exotic animals in the Town of Fort Erie;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. In this by-law:

- (a) "agricultural operation" means a business operated outside the Town of Fort Erie's Urban Boundary in an agriculturally zoned area for the principal purposes of producing and processing agriculture products and operating abattoirs and which involves a commitment of finances, time, size and scope and with a reasonable expectation of a profit;
- (b) "Council" means the Municipal Council of The Corporation of the Town of Fort Erie;
- (c) "Clerk" means the Clerk for The Corporation of the Town of Fort Erie;
- (d) "Exotic animal" means any animal or animals of any class and classes listed on Schedule "A" attached to this by-law;

- (e) "Rehabilitation Centre" means a facility established for the care and treatment of injured, sick or orphaned animals with the objective of restoring the animals to their former capacity or function and then returning and releasing them to their natural habitat;
 - (f) "SPCA" means the Fort Erie Society for the Prevention of Cruelty to Animals.
- 2. No person shall keep an exotic animal in the Town of Fort Erie, unless those animals are kept:
 - (a) In a Veterinary Hospital under the care of a licenced veterinarian;
 - (b) On the lands and premises of the SPCA, and such lands and premises as may be required by the SPCA or the Ontario Society for the Prevention of Cruelty to Animals, to house or shelter exotic animals, on a temporary basis, because of space or special requirements;
 - (c) On the lands and premises listed under Schedule "B" attached to this by-law; or
 - (d) In accordance with the provisions of this by-law.
- 3. Unless otherwise permitted in this by-law, every person keeping an exotic animal anywhere in Fort Erie on the day this by-law is passed shall be permitted to keep the exotic animal in Fort Erie on condition that the exotic animal is registered in accordance with this by-law with the SPCA within ninety (90) days of the passage of this by-law.
- 4. Unless otherwise permitted in this by-law and notwithstanding Section 6.22 of Zoning By-law No. 129-90, as amended (pro tempore), no person shall keep an exotic animal in the Town of Fort Erie;
- 5.
 - (a) Unless otherwise permitted in this by-law, every person registering to keep an exotic animal in the Town of Fort Erie shall complete and deliver the form attached to this by-law as Schedule "C" to the SPCA with a fee of \$10.00 and shall furnish the SPCA with a photograph of the exotic animal and provide such other information as this by-law and the prerequisite form may require, failing which the SPCA shall refuse to register the keeping of the exotic animal and the exotic animal shall be removed from the limits of the Town of Fort Erie immediately.
 - (b) Upon registration of the completed form by the SPCA, the SPCA shall issue an exotic pet sticker(s) to the exotic animal owner and the exotic animal owner shall affix the sticker(s) to all outside doors of all buildings located on the owner's property.

- (c) Any person grandfathered under this section of the by-law shall immediately notify the SPCA upon the loss, death or sale outside Fort Erie of the exotic animal.
6. All registrations for exotic animals are non-transferable.
 7. No person shall be required to register the keeping of an exotic animal, if the exotic animal is kept on any of the lands and premises set out in Section 2(a), (b) and (c) of this by-law.
 8. Exotic animals may be kept at an agricultural operation, where the agricultural operation is specifically listed on Schedule "B" annexed hereto to this by-law but this provision does not permit the keeping of any other type of exotic animal unrelated to the agricultural operation as listed on Schedule "A" hereto.
 9. Exotic animals may be kept on lands and premises where exotic animals are kept for public exhibition and display as part of a commercial establishment and which lands and premises are specifically listed on Schedule "B" annexed hereto to this by-law.
 10. Exotic animals may be kept at a Rehabilitation Centre, where the Rehabilitation Centre is specifically listed on Schedule "B" annexed hereto to this by-law.
 11. Any person may apply to the Council to have any lands or premises added to Schedule "B" to this by-law and shall establish to the satisfaction of Council that he or she intends to keep the exotic animal(s) for purposes of an agricultural operation, public exhibition and display or rehabilitation centre.
 12. Exotic animals may be temporarily kept on the lands and premises used for a circus or similar exhibition and display of exotic animals provided that Council has given its prior approval for the lands and premises to be used for such a circus or similar exhibition and display of exotic animals.
 13. Every person who contravenes any section of this by-law is guilty of an offence and is liable upon conviction and at the discretion of the presiding Justice of the Peace or Judge of the Ontario Court (Provincial Division) or other relevant Justice or Judge or Court, to a fine of not more than \$5,000.00 pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33 as amended.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 20th DAY OF AUGUST, 2001.

MAYOR

CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 146-2001 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 2001.

SCHEDULE "A" TO EXOTIC ANIMAL BY-LAW NO. 146-2001

1. The following list of animal classes shall be considered exotic animals:

- (a) All primates (such as tamarins, old and new world monkeys, lemurs and apes).
- (b) Rodents of the species *Erithizon dorsatum* (the Capybara) and *Myocastor coypus* (the Coypu or Nutria).
- (c) All canids (such as wolves, coyotes and wolf hybrids) except domestic dogs.
- (d) All felids (such as lions, tigers, jaguars and cougars) except domestic cats.
- (e) All hyaenids.
- (f) All mustelids (such as badgers, otters, wolverines and weasels) except ferrets.
- (g) All procyonids (such as raccoons, coatis and kinkajous).
- (h) All ursids (such as bears).
- (i) All viverrids (such as civets, binturongs and fossas).
- (j) All pinnipeds (such as walruses and seals).
- (k) All elephants.
- (l) All odd-toed ungulates (such as zebras, wild asses, rhinoceroses and tapirs) except domestic horses, donkeys, asses and domestic horse or donkey hybrids.
- (m) All even-toed ungulates (such as antelopes, camels, giraffes, okapis, hippopotamus, wild pigs and peccaries, llamas, alpacas, reindeer, buffalo and deer) except domestic cattle, goats, sheep and pigs.
- (n) All venomous reptiles (such as front or rear fanged snakes and helodermid lizards).
- (o) All snakes of the families Pythonidae and Boidae (such as pythons, boa constrictors and anacondas).
- (p) All crocodilians (such as alligators, crocodiles and caymans).
- (q) All venomous arachnids (spiders such as the black widow, brown recluse and scorpions but does not include tarantulas).
- (r) *Varanus komodoensis* (Komodo Dragon).
- (s) Emu, Ostrich and Rheas (other than for agricultural operations).

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

SCHEDULE "B" TO EXOTIC ANIMAL BY-LAW NO. 146-2001

1. Agricultural Operations
2. Public Exhibition and Display
 - (a) The lands and premises at 2821 Stevensville Road, Stevensville, Ontario L0S 1S0 (commonly called Stevensville Garden Gallery) and being more particularly described as Concession 12 N.R., Part Lot 13.
3. Rehabilitaton Centre



The Corporation of Town of Fort Erie

REGISTRATION OF EXOTIC ANIMAL FORM

1. Name of owner(s) of exotic animal(s):

2. Address of owner(s) of exotic animal(s):

3. Telephone Number(s) and e-mail:

HOME / BUSINESS / CELLULAR / E-MAIL

4. Type, number and approximate age of exotic animal(s):

TYPE	NUMBER	AGE
1. _____	/ _____	/ _____
2. _____	/ _____	/ _____
3. _____	/ _____	/ _____
4. _____	/ _____	/ _____
5. _____	/ _____	/ _____

5. Address where exotic animal(s) to be kept, if different than the address of the owner(s) of the exotic animal(s):

6. Room or usual location of exotic animal(s) in the building(s), where kept:

In accordance with By-law No. _____, I have enclosed a photograph that truly depicts the exotic animal(s) registered under this form.

I CERTIFY THAT THE ABOVE INFORMATION PROVIDED HEREIN IS TRUE.

DATE

SIGNATURE OF OWNER

***** OFFICE USE ONLY *****

DATE RECEIVED: _____

REGISTRATION NO. _____

COPIES OF THIS FORM HAVE BEEN FORWARDED TO:

Niagara Regional Police, Fort Erie Detachment

DATE: _____

Fort Erie Fire Department

DATE: _____

Niagara Emergency Medical Services (ambulance)

DATE: _____

Clerk, Town of Fort Erie

DATE: _____

(for distribution to: Fire, Planning, Building, By-law Enforcement, Public Works/Operations Division)