



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NUMBER 2979 / 20

Being a Bylaw to Regulate the Keeping and Feeding
Of Animals Other Than Dogs and Cats

WHEREAS Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25 requires that a municipal power be exercised by bylaw;

AND WHEREAS Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may pass bylaws respecting the social well-being of the municipality, animals and protection of persons and property;

AND WHEREAS the Council of the Corporation of Town of Espanola considers it desirable for the public to enact a bylaw providing for the keeping of animals other than dogs or cats within the Municipality and to prohibit the feeding of wildlife within the Municipality;

NOW THEREFORE the Council of the Corporation of the Town of Espanola HEREBY ENACTS AS FOLLOWS:

Interpretation

In this Bylaw:

"animal" includes any mammal, bird or reptile, other than a dog or cat;

"animal control officer" means a person appointed by Council as a Municipal Bylaw Enforcement Officer to enforce the provisions of this Bylaw and includes a police officer and any agent of the Provincial Animal Welfare Services;

"attractant" shall include any substance that could be reasonably expected to attract wildlife or does attract wildlife, including but not limited to food products, pet food, feed, pellets, vegetables, grain, fruit, or salt.

"at large" means to be found in any place other than the premises of the owner of the animal and not under the control of a person in such a manner as to prevent escape; except where the owner of the property permits the animal to be on his or her property;

"cat" means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat;

"colony manager" means individual(s) caring for colonies of feral cats within the Municipality, Colony Managers by definition are not owners of the cats as defined in this bylaw;

"control" includes care and custody;

"Council" means the Council of the Corporation of the Town of Espanola;

"device" shall mean any feed stands, salt blocks, or other mechanisms employed to feed animals;

"dog" means a male or female of the domesticated canine species;

"domestic fowl" means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but not be limited to hens, chickens, ducks, geese, turkeys but shall not include song birds or

vertebrates commonly kept as domestic pets including domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, ascaris, pied hombills or cock-of the-rocks.

"dwelling unit" means one or more rooms connected together as a self-contained, separate unit in the same building comprising all or part of the building and constituting an independent housekeeping unit for residential occupancy by persons with facilities for persons to sleep, cook and eat and including its own sanitary facilities;

"feed or feeding" shall mean the intentional act of giving, exposing, depositing, distributing, or scattering any edible material with the intention of feeding, attracting or enticing any animal but does not include baiting during legal activities or any attempt to confine a dog or cat for the purpose of causing it to be impounded pursuant to this bylaw;

"feral cat" a cat found in the Municipality that has no owner, is not socialized and is extremely fearful or resistant to humans;

"feral cat colony" refers to a group of mostly or all feral cats that congregate as a unit and that are managed by a Colony Manager. Colony Managers must be affiliated or an agent acting on behalf of or in conjunction with a registered charitable or not for profit organization actively involved in program of spaying or neutering feral cats in the colony.

"keeps" means to own, keep, harbour, maintain or feed a cat, dog, or animal;

"Municipality" means the Corporation of the Town of Espanola;

"natural" shall mean food or other substances consumed by wildlife produced by, or existing in nature, not artificial;

"owner" includes any person who keeps, possesses, harbours a dog, cat or animal or allows the animal to remain on his premises, and for the purposes of this Bylaw shall include any person who fosters any animal from a recognized animal shelter or rescue; and, where the owner is a minor, the person responsible for the custody of the minor and "owns" has a corresponding meaning;

"premises" means the entire lot on which a single dwelling unit building or a multi-dwelling unit building is situated;

"public property" includes all lands owned by the Municipality, any local boards, any corporations owned or controlled by the Municipality and includes all Crown lands;

"recognized animal shelter or rescue " means a not-for-profit or charitable organization, whose mandate and practices are predominately the rescue and placement of animals, and facilitating the spaying or neutering of animals, or for animal welfare purposes;

"wildlife" shall mean any animal which is wild by nature and not normally domesticated in Ontario.

PART 1 - ANIMAL KEEPING

Exotic animals

1.1 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time (Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group):

- a) all artiodactylous ungulates, except domestic goats, sheep, pigs, cattle, bison and llamas and alpacas;
- b) all canidae, except the domestic dog;
- c) all crocodylians, (such as alligators and crocodiles);
- d) all edentates (such as anteaters, sloths and armadillos);
- e) all elephantidae (elephants);
- f) all erinacidae (except the african pigmy hedgehog);
- g) all felidae, except the domestic cat;
- h) all hyaenidae (hyenas);
- i) all marsupials (except sugar gliders);
- j) all mustelidae (such as skunks, otters and weasels), except the domestic ferret;
- k) all non-human primates (such as gorillas and monkeys);
- l) all pinnipeds (such as seals, fur seals and walruses);
- m) all perissodactylous ungulates, except the domestic horse and ass and mule;
- n) all procyonidae (such as raccoons, coatis and cacomistles);
- o) all pteropodidae (bats);
- p) all raptors, diurnal and nocturnal (such as eagles, hawks and owls);
- q) all ratites except for agricultural uses, such as ostriches, rheas and cassowaries;
- r) all ursidae (bears);
- s) all viverridae (such as mongooses, civets and genets);
- t) all poisonous or venomous arachnids (including but not limited to spiders);
- u) all poisonous or venomous lizards;
- v) all lizards who's adult length exceeds one metre
- w) all snakes of the families pythonidae and boidae and all snakes who's adult length exceeds one metre;
- x) all snapping turtles;
- y) all venomous reptiles;
- z) any endangered species as defined by the Canadian Wildlife Service.

Exceptions

1.2 Section 1.1 shall not apply to:

- a) premises operated by the Provincial Animal Welfare Services;
- b) a veterinary hospital under the control of a licensed veterinarian;
- c) 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;
- d) any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all

bylaws of the municipality;

- e) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22, as amended;
- f) any professional film production company in the areas of the Municipality in which professionally produced films are being made, during filming.

Additional conditions

1.3 The keeping of the following animals is subject to the following conditions:

Snakes, Lizards, Insects

1.3.1 Any person keeping on a dwelling unit and premises in the Municipality, non - venomous snakes, non-venomous lizards or non poisonous or venomous insects must ensure they are housed in and kept in an escape proof enclosure indoors.

Household Birds

1.3.2 Any person keeping on a dwelling unit and premises in the Municipality, household birds must ensure they are housed in and kept in an escape proof enclosure indoors

Horses, Domestic Fowl, Cattle, Goats, Swine, Mink, Sheep, and Mules

1.3.3 Any person may only keep horses, domestic fowl, pigeons, cattle, bison, goats, rabbits, swine, mink, sheep, mules or similar livestock, on a property appropriately zoned for such purpose by the governing zoning bylaw in effect from time to time for that property. Prohibited from being at large.

1.4 No owner of an animal shall cause, allow or permit an animal he or she owns to be at large within the limits of the Municipality.

1.5 Domestic animals, not including dogs and cats and domestic fowl as defined by this bylaw, must be contained, when not kept indoors, within the owner's property by means of fencing or other reasonable method including but not limited to pens and flight cages so as to not disturb or hinder any neighbouring properties from the enjoyment of such property.

PART 2 - PROHIBIT THE FEEDING OF WILDLIFE

2.1 No person within the Municipality shall intentionally feed, cause to be fed or provide or make available food attractants or other similar substance for the consumption of wildlife within the boundaries of the Municipality, on either private or public property.

2.2 No person shall place or allow any device or other material to be placed outdoors or on any public or private property for the purpose of attracting or feeding wildlife.

2.3 Every person shall promptly remove any attractions placed on any property in violation of this Bylaw.

2.4 Every person shall promptly remove any device placed on the owner's or occupier's property to which wildlife are attracted or from which wildlife actually feed. Alternatively, a person may modify such device or make other changes to the device that prevents wildlife from having access to feeding

from the device.

Exemptions

2.5 This Bylaw shall not apply to:

- (a) Any natural product that is growing on a particular land where wildlife is feeding;
- (b) Licensed Wildlife Custodians that are the legal owner of the wildlife and the wildlife is kept under a valid certificate or permit, and is in compliance with any Provincial or Federal permitting requirements;
- (c) The feeding of song birds on a property provided the following feeding requirements are met by the owner or occupier:
 - (i) Seed is placed in a bird feeding device that is sufficiently above grade so as not to attract or be accessible by wild animals; and
 - (ii) Bird feeding practices do not attract large flock of homing birds such as wild, feral or domestic pigeons; and
 - (iii) Spillage of seed upon the ground is removed by the property owner or occupier forthwith and disposed of in a manner that it does not attract wild animals, feral or stray domestic animals.;
- (d) Registered and Private Land Trappers; Licensed Bear Management Area Operators, wild game farms, wildlife, animal control or pest management agencies;
- (e) Private vegetable gardens, flower beds and related compost stations.
- (f) Licensed hunters actively engaged in hunting or training for hunting, on unposted land or on posted land with the permission of the owner.;
- (g) the leaving of food as bait in a trap by a property owner to capture a animal inhabiting or habituating their property pursuant to the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41;
- (h) the leaving of food as bait by a licensed trapper, an employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, a Provincial Animal Welfare Services Animals Inspector or a Police Officer, in the performance of their work;
 - (i) the leaving of food for the purpose of providing life sustaining resources, ie: deer or wild turkey, or as a bait in a trap for feral or stray cats by a person or agent acting on behalf of or in conjunction with a registered charitable or not for profit organization actively involved in program of spaying or neutering feral cats in a colony or having a mandate to care for feral or stray animals.

PART 3 - SEVERABILITY / CONFLICT

- 3.1 If any section, subsection, part or parts of this Bylaw is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 3.2 Nothing in this Bylaw relieves any person from complying with any provision of any Federal or Provincial legislation or any other Bylaw of the Municipality.
- 3.3 Where a provision of this Bylaw conflicts with the provisions of another Bylaw in force in the Municipality, the provision that establishes the higher standard to protect the health, safety and welfare of persons or the environmental well-being of the municipality shall prevail.

3.4. Bylaw No. 368/68 is hereby repealed.

PART 4 - ENFORCEMENT

4. Every person who contravenes any of the provisions of this Bylaw is guilty of an offence and upon conviction is liable to pay a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.

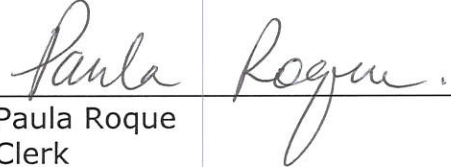
PART 5 - SHORT TITLE

5. This Bylaw shall be known as the bylaw "TO REGULATE THE KEEPING and FEEDING OF ANIMALS"

READ A FIRST, SECOND AND THIRD TIME THIS 14th DAY OF July 2020.



Bill Foster
Deputy Mayor



Paula Roque
Clerk



SET FINE

ITEM	COLUMN 1 Short Form Wording	COLUMN 2	COLUMN 3 Set Fine excluding Court Costs
1.	Own prohibited animal	Section 1.1	\$250.00
2.	Fail to abide by the conditions for keeping an animal	Section 1.3	\$250.00
3.	Permit animal to be at large	Section 1.4	\$250.00
4.	Fail to contain animal	Section 1.5	\$250.00
5.	Feed wildlife	Section 2.1	\$250.00
6.	Attract wildlife	Section 2.2	\$250.00
7.	Fail to remove attractant of wildlife	Section 2.3	\$250.00
8.	Fail to remove device to which wildlife are attracted	Section 2.4	\$250.00