

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 18-2024

A by-law prohibiting and regulating the keeping of certain exotic and other animals

WHEREAS the Corporation of the Town of Hawkesbury deems it necessary and expedient to prohibit and regulate certain animals for the purpose related to the health, safety and well being of the residents of the municipality;

AND WHEREAS as per the *Municipal Act* S.O 2001, section 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 11 of the *Municipal Act*, 2001, provides that a lower-tier municipality and an upper-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS pursuant to the *Municipal Act*, S.O. 2001, municipalities may pass by-laws pertaining to animals;

AND WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001 provides that a municipality may delegate its administrative and hearing powers;

AND WHEREAS Section 391 of the *Municipal Act*, 2001 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it; and

AND WHEREAS Section 434.1 (1) of the *Municipal Act*, 2001, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law passed under the *Municipal Act*, 2001;

AND WHEREAS By-law N° 13-2007 adopted in 2007 should be updated.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. In this by-law, "animal" includes birds and reptiles
2. No person shall own, harbour, possess, sell or offer for sale any animal listed below as a pet or for any other purpose for any period of time:
 - a) all non-human primates (such as gorillas and monkeys)

- b) all felids (including but not limited to lions, cougars, tigers, leopards, cheetahs but not including the domestic cat)
- c) all canids (including but not limited to jackals, wolves and foxes but not including the domestic dog)
- d) all mustelids (including but not limited to minks, polecats, skunks, weasels, otters, badgers, etc. but not including the domestic ferret)
- e) all marsupials (including but not limited to kangaroos and opossums)
- f) all bats, eagles, hawks, owls and falcons
- g) all ursids (bear)
- h) all hyaenas
- i) all snapping turtles
- j) all elephants
- k) all snakes which reach an adult length larger than 3 metres
- l) all poisonous or venomous snakes (including but not limited to cobras and rattlesnakes)
- m) all the following boidae:
 - Green anaconda
 - Yellow anaconda
 - Reticulated python
 - African rock python
 - Burmese python
 - Indian python
 - Amethyst python
- n) all songbirds in the family Paradisaeidae (including but not limited to birds of paradise)
- o) all poisonous or venomous arachnids (including but not limited to spiders)
- p) all lizards which reach an adult length larger than 2 metres
- q) all poisonous or venomous lizards
- r) all crocodylians (including but not limited to alligators and crocodiles)
- s) all endangered species as defined by the Canadian Wildlife Service and all species of animal whose ownership is already prohibited by existing Federal and Provincial legislation
- t) all perissodactyls (including but not limited to horses, asses, donkeys, zebras, mules and ponies)
- u) all bovines (including but not limited to cattle and cows)
- v) All farm animals (including but not limited to goats, sheep, swine, pigs, lamas, alpacas, ostriches, chickens);
- w) All poultry (including but not limited to turkeys, ducks, quails, geese, guinea fowls and pigeons).

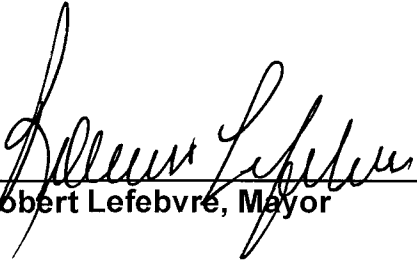
3. Notwithstanding section 2, the prohibition shall not apply to:

- a) circuses or other like shows and parades
- b) any area used as a zoo
- c) premises operated by the Ontario SPCA and Humane Society
- d) a veterinary hospital under the control of a licensed veterinarian

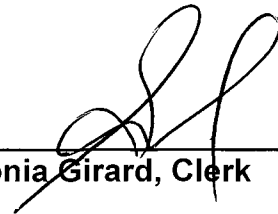
- e) anyone holding a licence under any statute of the Legislature of Ontario or the Government, which permits the keeping of animals under stated conditions
 - f) any animal being displayed or exhibited for a set period of time in an event sanctioned by the Town which is operated in accordance with all by-laws of the municipality
 - g) 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 *Animal for Research Act*.
4. Notwithstanding the provisions of section 3, no person shall walk on or with any animals listed in section 2 in the streets of the Town, including all lizards and snakes.
 5. Every person who owns a reptile or lizard must register their animal with the Town. An administration fee of will be charged for the registration of such reptiles and lizards as per fees stipulated in the Town's By-law N° 36-2023, as amended from time to time.
 6. No person shall keep more than six (6) guinea pigs of three months and older in any residential dwelling unit within the Town with a maximum of two (2) such guinea pigs being fully-grown.
 7. No person shall keep more than six (6) rodents in any residential dwelling unit within the Town.
 8. No person shall keep more than two (2) rabbits in a fenced cage in any outside area of any residential unit within the Town.
 9. All enclosures for the animals listed in sections 8, 9, 10 and 11 shall be always kept clear and sanitary and shall be disposed of any excrement in a sanitary manner.
 10. A By-law Enforcement Officer or other duly appointed officer may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of verifying the size of the reptiles and lizards and also for examining the enclosures in which all animals are kept including reptiles and lizards.
 11. Any person who contravenes any provision of this By-law shall be liable to pay the Town an Administrative Monetary Penalty, upon issuance of a penalty notice in accordance with the Town of Hawkesbury's Administrative Monetary Penalties System (AMPS) By-law, as may be amended from time to time.
 12. This by-law shall come into force and take effect on the date of its passing thereof.

13. That By-law N° 13-2007 is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN
COUNCIL THIS 4th DAY OF MARCH 2024.**



Robert Lefebvre, Mayor



Sonia Girard, Clerk