

**THE CORPORATION OF
THE MUNICIPALITY OF MARMORA AND LAKE**

BY-LAW NO. 2008-035

ENTITLED a by-law to prohibit the keeping, exhibition and transportation of certain animals within the Corporation of the Municipality of Marmora and Lake.

WHEREAS pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality is authorized to pass by-laws respecting matters within the jurisdiction of animals;

AND WHEREAS the Corporation of the Municipality of Marmora and Lake deems it desirable, for the protection of the public and in the public interest to pass a by-law to prohibit the keeping, exhibition and transportation of exotic, wild and non-domestic animals within the limits of the municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Marmora and Lake hereby enacts as follows:

GENERAL

1. Schedules attached to this By-law form a part of this By-law.

DEFINITIONS

2.
 - a) "Exotic animal" shall mean an animal as listed in Schedule "A" to this by-law.
 - b) "Municipal By-law Officer" shall include By-law Officers, Police and Animal Control Officers.
 - c) "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.
 - d) "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.

PROHIBITION

3. Except as provided in Section 5 and 6 of this by-law, the keeping or harbouring of any animal as listed in Schedule "A" to this by-law is prohibited anywhere in the Municipality of Marmora and Lake.
4. No person shall exhibit or transport any exotic animal within the Municipality.

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EXEMPTIONS

5. It is permissible to keep any animal of the kind listed in Schedule "A" to the by-law in the following places or circumstances:
 - a. In a veterinary hospital under the care of a licensed veterinarian;
 - b. In a public compound;
 - c. In a designated pound or shelter;
 - d. In premises registered as research facilities pursuant to the Animals for Research Act, R.S.O. 1990, c.A.22 as amended;
 - e. At a farm operation involving alternative livestock animals where such use is permitted by the Municipality of Marmora and Lake zoning by-law and providing that the animals are kept in a secure, humane and escape-proof cage, tank, or enclosure.
6. Sections 3 and 4 shall not apply to the transportation or the keeping of an exotic animal during the transportation of the animal to any of the places noted in Section 5.
7. Applications for exemptions from this by-law may also be received by Council.
8. Applications for temporary exemptions may be received by Council from, but not limited to, traveling circuses, film projects, person delivering educational programs, school and group presentations.
9. Each application for exemption shall be reviewed by Council on an individual basis. Council may consult with experts and may either refuse the application, grant an exemption, or grant a conditional exemption.

BUSINESSES

10. Unless exempt under Section 5 or 6 of this by-law, no person who operates a business within the Municipality of Marmora and Lake shall possess, keep, sell or otherwise make available any animals listed in Schedule "A" of this by-law.

RIGHT OF ENTRY

11. A Municipal By-law Officer may enter onto any property, at any reasonable time, for the purpose of determining whether any prohibited animals are being kept on the premises.

ISSUE OR AND COMPLIANCE WITH NOTICE

12. A Municipal By-law Officer may issue an order concerning any contravention of this By-law with respect to any prohibited animal; the order shall identify the contravention and the date by which there must be compliance with the Order.
13. No person subject to an order as described in Section 12 shall fail to comply with such Order within the stated time.

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SEIZURE OR SURRENDER

14. No owner of an exotic animal shall cause or permit the exotic animal to run at large.
15. Any exotic animal running at large contrary to the provisions of this by-law may be captured by any animal control officer, by-law enforcement officer, police officer or any other person duly authorized by Council for that purpose.
16. Any exotic animal running at large contrary to the provisions of this by-law which, in the opinion of the animal control officer, by-law enforcement officer, police officer or any other person duly authorized by Council for that purpose, appears to be vicious or rabid or appears to be a threat to the safety of the community, and which cannot be captured by the animal control officer, by-law enforcement officer, police officer, or any other person duly authorized by Council for that purpose, may be killed. The owner of the exotic animal shall not be entitled to damages or compensation on account of the exotic animal being killed.
17. Any exotic animal found running at large contrary to this by-law may be seized and impounded and may, after seven (7) days have elapsed, excluding the day it was impounded and statutory holidays, be sold or adopted out to a lawful recipient. An exotic animal so seized and impounded may, after fourteen (14) days have elapsed excluding the day it was impounded and statutory holidays, be euthanized.
18. The owner of an exotic animal that has been seized and impounded shall pay to the Poundkeeper or the Poundkeeper's Agent all costs incurred during the impounding of the exotic animal including, but not limited to pick-up charges, mileage charges, daily pound maintenance fees for each day that the exotic animal remains impounded subsequent to the day of seizure, and any charges incurred for the services of a veterinarian where necessary because the exotic animal has been injured or where it is required that the exotic animal be destroyed.
19. In order to obtain the release of an impounded exotic animal during the seven day redemption period, the owner shall:
 - a. Pay to the Poundkeeper all outstanding impoundment fees;
 - b. Pay to the Poundkeeper the costs incurred for veterinary care while the exotic animal was impounded; and
 - c. Take such other action as the Municipal By-law Officer and/or Poundkeeper deems appropriate.
20. No person shall obstruct or attempt to obstruct a municipal by-law officer or an employee or agent of the municipality in carrying out his or her duties under this by-law.

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PENALTY

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

SEVERABILITY AND CONFLICT

22. If a court of competent jurisdiction should declare any section of this By-law or part thereof, or any provision in the Schedules to be invalid or inoperative in whole or in part, or inoperative in the particular circumstances, such sections, parts, or provisions in the Schedule shall not be construed as having influenced Council to pass the remainder of the by-law or the provisions in the Schedules, and it is hereby declared that the impugned section or provision in the Schedules shall be severable and distinct from the remainder of this By-law or Schedules and it is Council's intention that the remainder of the By-law or Schedules shall be valid and shall remain in full force and effect.

EFFECTIVE DATE

23. This by-law shall come into force and take effect upon the final passing thereof.

AMNESTY PERIOD

24. An amnesty period for current owners of exotic animals shall be in effect for two months commencing immediately upon this by-law being passed. This will allow current owners of prohibited exotic animals to find alternative and lawful accommodations for the animals.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 5TH DAY OF AUGUST, 2008.

REEVE (Terry Clemen)

MUNICIPAL CLERK (Judy Durbatch)