

**THE CORPORATION OF
THE MUNICIPALITY OF HURON SHORES
BY-LAW #13-56**

BEING A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES TO PROHIBIT CERTAIN MAMMAL AND REPTILE SPECIES WITHIN THE MUNICIPALITY OF HURON SHORES

WHEREAS Sections 9, 10 and 11 of the *Municipal Act, 2001*, c.25 (the "Act") provides that a municipality may pass by-laws respecting the three items listed as follows:

- Environmental well-being of the Municipality (Section 10(2)5.)
- Health, safety and well-being of persons (Section 10(2)6); and
- Animals (Section 10(2)9.).

AND WHEREAS, The Corporation of the Municipality of Huron Shores (the "Corporation") deems it desirable to pass a By-Law prohibiting certain mammal and reptile species within the limits of the Municipality of Huron Shores;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES ENACTS AS FOLLOWS:

Section 1 – Short Title

1.01 This By-Law may be cited as the "Prohibited Mammal and Reptile Species By-law".

Section 2-Scope of By-Law

2.01 This By-law applies throughout the Municipality with the exceptions listed as follows from a) to f):

a) An animal pound or a shelter that is as follows from i) to iii):

- i) A registered not for profit charitable organization devoted to the prevention of cruelty to animals;
- ii) Is lawfully operated by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated Society; or,
- iii) Is a pound or shelter operated by a municipality;

b) A Veterinary Hospital or Clinic which is operated and supervised by a Veterinarian licensed to practice in the Province of Ontario;

c) Premises registered as a research facility pursuant to the *Animals for Research Act*, R.S.O.1990, c.A-22;

d) When emergency treatment is being administered to an injured or abandoned animal while such animal is unable to fend for itself and provided that there is no danger to any person or other animal;

- e) Any Wildlife Rehabilitation Centre registered with the Ontario Ministry of Natural Resources under the *Fish and Wildlife Conservation Act*; or,
- f) The premises of an exhibit, public show or other display as permitted by municipal by-law and other applicable federal or provincial legislation.

Section 3 – Definitions and Interpretations

3.01 In this By-law:

"Animal Control Officer" means the person appointed by Council or who has entered into a contract with the Municipality of Huron Shores to control animals under this by-law and includes any servants of such person;

"By-law Enforcement Officer" means a municipal by-law enforcement officer appointed by Council for the Municipality of Huron Shores to enforce by-laws of the Municipality of Huron Shores;

"Cat" means a feline of the species *Felis Catis*;

"Cause to be sold" for purposes of this By-law means a result, action or condition that causes a Prohibited Mammal or Reptile Species to be sold or made available for sale;

"Clerk" shall mean the Clerk of the Corporation of the Municipality of Huron Shores;

"Corporation" means The Corporation of the Municipality of Huron Shores;

"Council" means the Council for The Corporation of the Municipality of Huron Shores;

"Dog" means a canine of the species *Canis Familiaris*;

"Eco-System" means a community of plants, animals and smaller organisms that live, feed, reproduce and interact in the same area or environment;

"Harbour" means to give shelter to;

"Keep", for purposes of this By-law, means to have temporary or permanent control or possession of a prohibited mammal or reptile species;

"Medically Significant" refers to venom or poison that causes severe illness, permanent or temporary tissue and/or nerve damage, blood pressure irregularities and possible death in humans and domestic animals;

"Municipality" includes all property located within the municipal boundaries of The Corporation of the

Municipality of Huron Shores;

"Poison" refers to substances that cause disturbances to organisms when a sufficient quantity is absorbed by an organism;

"Poisonous", with specific reference to **"Poisonous Animals"**, means animals that possess toxins that are dispersed in their body tissues and which are activated when the animal is ingested;

"Possess" means to have or own something;

"Possession" means the state of having, owning, or controlling something;

"Prohibited Mammal and Reptile Species" for the purposes of this By-law, shall include animals that:

- a) are venomous or poisonous and whose venom or poison is medically significant to humans or domestic animals;
- b) pose a real or potentially hazardous threat to humans, domestic animals or farm animals;
- c) pose a real or potentially hazardous threat to the local eco-system;
- d) are cited in the Control List as published by the Canadian Wildlife Service of Environment Canada;
- e) are listed in Schedule "A" to this By-law, which list may be revised from time to time; and/or,
- f) are prohibited or controlled by federal or provincial legislation.

but does not include bees as defined in the *Bees Act* R.S.O. 1990 C. B6;

"Sell" for purposes of this By-Law means the exchange of a prohibited mammal or reptile species for an amount of money or its equivalent;

"Transfer Ownership" for purposes of this By-law means the transfer of a prohibited mammal or reptile species from one owner to another owner;

"Venom" refers to any variety of toxins used by certain types of animals to inject their victims;

"Venomous", with specific reference to **"Venomous Animals"**, means any animals that inject their victims with a toxin by means of a bite, sting or other sharp body feature.

Section 4- Prohibited Mammal and Reptile Species

4.01 No person shall keep, possess, harbour, sell or cause to be sold, or transfer ownership of a Prohibited Mammal or Reptile Species within the Municipality of Huron Shores;

4.02 Despite Section 4.01, any person who, on the date of the passage of this By-law, was lawfully keeping a Prohibited Mammal or Reptile Species as defined in this By-law may keep that animal until the animal has died or has otherwise been disposed of;

4.03 No person shall transport a Prohibited Mammal or Reptile Species within the Municipality of Huron Shores except where Section 4.02 applies;

4.04 No person shall permit a Prohibited Mammal or Reptile Species to run at large within the Municipality of Huron Shores.

Section 5 - Registration and Keeping of Prohibited Mammal and Reptile Species

5.01 No person shall possess or harbor a Prohibited Mammal or Reptile Species in accordance with Subsection 4.02 of this By-law without registering such Prohibited Mammal or Reptile Species with the Clerk of the Municipality of Huron Shores within thirty (30) days of the date that this By-law comes into effect and shall pay such licence fees annually as set forth in Schedule "B" attached hereto and forming part of this By-Law.

Section 6- Enforcement of the Prohibited Mammal and Reptile Species By-Law

6.01 This By-law may be enforced by:

- a) the By-law Enforcement Officer(s) appointed by the Municipality of Huron Shores;
- b) the Animal Control Officer(s) appointed by the Municipality of Huron Shores; and/or
- c) the Ontario Provincial Police.

Section 7- Offences and Penalties

7.01 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction, shall be liable to a fine pursuant to Part 1 of the *Provincial Offences Act* and Schedule "C" of this By-Law.

AND THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a first, second, and third time and passed in open Council this 23rd day of October, 2013.

MAYOR – L. C. (Gil) Reeves

CLERK – Deborah Tonelli

**SCHEDULE "A" TO BY-LAW #13-56
A BY-LAW TO PROHIBIT CERTAIN
MAMMAL AND REPTILE SPECIES
WITHIN THE MUNICIPALITY OF HURON SHORES**

PROHIBITED MAMMAL AND REPTILE SPECIES

MAMMALS

Order/Class/Family	Examples *
Canidae, <i>excluding domestic dogs</i>	Coyotes, wolves, foxes, hybrid wolf dogs
Felidae, <i>excluding domestic cats</i>	Tigers, leopards, cougars, lions, lynx
Non-Human Primate	Chimpanzees, gorillas, monkeys, lemurs
Proboscidea	Elephants
Ursidae	Bears

REPTILES

Order/Class/Family	Examples *
Crocodylia	Alligators, crocodiles, gavials, caimans
All Snakes which reach an adult length larger than 1 metre	Reticulated python, Burmese python, green anaconda, yellow anaconda, African rock python, Indian python, amethyst python
All Lizards which reach an adult length larger than 1 metre, measured from snout to tip of tail	Crocodile lizard, monitor lizard

Note:

*The examples listed are only provided as a guide and shall not be considered to include all prohibited mammal and reptile species within an animal order, class or family.

**SCHEDULE "B" TO BY-LAW #13-56
A BY-LAW TO PROHIBIT CERTAIN
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**LICENCE FEES IN ACCORDANCE WITH
SECTION 5.01 OF BY-LAW #13-56**

Reason for Licencing Possession of Prohibited Mammal and Reptile Species in Accordance with Section 5.01 of By- Law #13-56	Annual Licence Fee \$25.00 per Keeper of Prohibited Mammal and Reptile Species
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SCHEDULE "C" TO BY-LAW #13-56

**A BY-LAW TO PROHIBIT CERTAIN
MAMMAL AND REPTILE SPECIES
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PART 1 Set Fine Schedule Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Keep One Prohibited Mammal or Reptile Species	Section 4.01	\$200.00
2.	Keep Two Prohibited Mammal or Reptile Species	Section 4.01	\$350.00
3.	Keep Three or More Prohibited Mammal or Reptile Species	Section 4.01	\$500.00
4.	Possess One Prohibited Mammal or Reptile Species	Section 4.01	\$200.00
5.	Possess Two Prohibited Mammal or Reptile Species	Section 4.01	\$350.00
6.	Possess Three or More Prohibited Mammal or Reptile Species	Section 4.01	\$500.00
7.	Harbour One Prohibited Mammal or Reptile Species	Section 4.01	\$200.00
8.	Harbour Two Prohibited Mammal or Reptile Species	Section 4.01	\$350.00
9.	Harbour Three or More Prohibited Mammal or Reptile Species	Section 4.01	\$500.00
10.	Sell a Prohibited Mammal or Reptile Species	Section 4.01	\$500.00
11.	Cause to be Sold a Prohibited Mammal or Reptile Species	Section 4.01	\$500.00
12.	Transfer Ownership of a Prohibited Mammal or Reptile Species	Section 4.01	\$500.00
13.	Transport a Prohibited Mammal or Reptile Species	Section 4.03	\$250.00
14.	Permit a Prohibited Mammal or Reptile Species to Run at Large	Section 4.04	\$500.00

Note: the general penalty provision for the offences listed above is Section 7.01 of By-law 13-56, a certified copy of which has been filed and s. 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.