

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW NO. **901-07**

BEING A BY-LAW TO PROHIBIT THE KEEPING OF EXOTIC ANIMALS

WHEREAS *Section 8(3) of the Municipal Act, 2001, as amended*, provides that a by-law under Section 10 respecting a matter may: (a) regulate or prohibit respecting the matter; (b) require persons to do things respecting the matter; (c) provide for a system of licenses respecting the matter; and

WHEREAS *Section 10(2)(9) of the Municipal Act, 2001, as amended*, enables a single-tier municipality to pass by-laws respecting animals; and

WHEREAS *Section 128 of the Municipal Act, 2001, as amended*, allows a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

1. GENERAL PROVISIONS

1.1 Except as provided in Section 2 of this By-Law, no person shall keep a prohibited animal, as defined in Schedule "A" to this by-law, anywhere in the Municipality of Red Lake.

2. EXEMPTIONS

2.1 This by-law does not apply to prohibit the keeping of an animal of a kind listed in Schedule "A" to this By-Law in the following places or circumstances:

2.1.1 In a veterinary hospital under the care of a licensed veterinarian;

2.1.2 In a public pound;

2.1.3 On premises registered as research facilities under Section 5 of The Animals for Research Act, R.S.O. 1980, Chapter 22;

2.1.4 By anyone holding a license under any statute of the Legislature of Ontario or the Government of Canada which permits the keeping of animals under stated conditions; or

2.1.5 At a circus or like performance that has been approved by the Municipality of Red Lake.

3. ENFORCEMENT

3.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offense and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

3.2 A court in which the conviction has been entered, or any court of competent jurisdiction thereafter may make an Order prohibiting the continuation or repetition of the offence by the person convicted and such Order shall be in addition to any other penalty imposed on the person convicted.

4. VALIDITY

4.1 If a court of competent jurisdiction declares any provision, any part of a provision, in the By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision in this By-Law authorized by By-Law that be applied and

enforce in accordance with the terms to the extent possible according to law.

5. SHORT TITLE

5.1 This By-Law may be cited as the Municipality of Red Lake "Exotic Animal By-Law".

6. IMPLEMENTATION

6.1 By-Law No. 884-07 shall be repealed on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 901-07.

6.2 This By-Law shall come into force and effect on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 901-07.

READ a FIRST and SECOND TIME this 17th day of July, 2007.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

READ a THIRD TIME and FINALLY PASSED this 17th day of July, 2007.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

SCHEDULE "A"

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

Attached to and forming part of By-Law No. 901-07

PROHIBITED ANIMALS

Being a list of animals prohibited to be kept as pets within the Municipality of Red Lake.

1. All Marsupials (such as Kangaroos and Opossums)
2. All Non-Human Primates (such as Gorillas and Monkeys)
3. All Felids, except domestic cat
4. All Canids, except domestic dog
- 5.** All viverrinus (such as Mongoose, Civets and Genets)
6. All Ursids (Bears)
7. All Artiodactylus Ungulates, except domestic goats, sheep, pigs and cattle, bison, elk, llamas (unless prohibited by other Municipal By-Laws)
- 8.** All Procyonids (such as Raccoons, Coonids and Cacomistles)
9. All Hyenas
- 10.** All Perissodactylus Ungulates, except the domestic horse and ass (unless prohibited by other Municipal By-Laws)
11. All Elephants
12. All Pinnipedia (such as Seals, Fur Seals and Walruses)
13. All Snakes of the Families Pythonidae and Boas
14. All venomous Snakes
15. All venomous Reptiles
16. All Raititae Birds (such as Ostriches, Rhea, Cassowaries)
17. All Diurnal and Nocturnal Raptors (such as Eagles, Hawks and Owls)
18. All Edentatus (such as Anteaters, Sloths and Armadillos)
19. All Bats
- 20.** All Crocodylians (such as Alligators and Crocodiles)
21. All venomous Arthropoda (such as venomous spiders)
22. All venomous Amphibians (such as venomous frogs)
23. All Mustelidae or Mustelid such as skunks, weasels, otters, minks, badgers, martens
24. All Castoridae such as beavers

Examples of animals are provided for information and shall not be construed as limiting the generality of the group.

SCHEDULE "B"

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

SET FINES

"Part I Provincial Offences Act"

Municipality of Red Lake By-Law No. 901-07 Title: Exotic Animal By-Law

Item #	Column 1 (Short Form Wording)	Column 2 (Offence Creating Provision)	Column 3 (Set Fines)
1.	Keeping of prohibited animal(s)	Sec. 1.1	\$100.00

"NOTE: the general penalty provision for the offences listed above is Section 3 of By-Law No. 901-07, a certified copy of which has been filed and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."