

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 23-2001

Being a by-law for the Corporation of the Town of Kingsville prohibiting, regulating and restricting the keeping of animals within the Town of Kingsville and defined areas thereof and for the prohibiting or regulating within any part of the Municipality the being at large of animals

WHEREAS Section 210 of the Municipal Act, R.S.O., 1990, authorizes the Councils of local municipalities to pass by-laws to prohibit, regulate or restrict the keeping of animals within the municipality, or defined areas thereof and to prohibit or regulate within any defined area thereof, or upon any defined highways therein, the being at large of animals;

AND WHEREAS Council deems it necessary to prohibit, regulate or restrict the keeping of animals in the Town and defined areas thereof and to prohibit or regulate the being at large of animals within the Town.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:

1. In this By-law,
 - a) "**Town of Kingsville**" means the new restructured and amalgamated municipality known as the Corporation of the Town of Kingsville created by a Province of Ontario Order made under the Municipal Act R.S.O. 1990, c.M.45 subsection 25.2 (d)(B) and dated November 19, 1997, and being composed of the former municipalities of the Township of Gosfield North, Township of Gosfield South and Town of Kingsville and includes its employees, servants and agents;
 - b) "**Urban area**" means those areas within the Town of Kingsville that are zoned residential;
 - c) "**Owner**" includes any person who keeps, harbours, or is in control of an animal, and for the purpose of definition "owns or owned" shall have a corresponding meaning and shall include a person who is temporarily the keeper of, or in control of the animal;
 - d) "**Animal**" means any live non -human vertebrate or invertebrate, including a bird or reptile, a domestic animal, a pet, an animal raised for commercial purposes, and an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting,
 - e) "**Dog**" means any breed or breed mixture of the species domestic dog, male, female or neutered;
 - f) "**Cat**" means any breed or breed mixture of the species domestic cat, male, female or neutered;
 - g) "**Traditional Pet**" means an animal other than dog or cat, of a species named on the following list:

Aquarium Fish (non-native captive bred)	
Chinchilla	
Mouse	Finches (captive bred)
Passerine (Parrot family — non -captive bred)	
Rat	Guinea Pig
Aquarium fish (captive morn)	
Psittacines (captive bred)	Gerbil
Hamster	Pigeon
Rabbit	Ferret (Domestic)

Columbiforme (dove & pigeon family Pot Bellied Pig
non-native captive bred)

- h) "**Exotic Pet**" means an animal of a species that is not dog, nor cat nor traditional pet, as defined herein, and is not native to Ontario as defined in the Ontario Fish and wildlife Act;
- i) "**Dwelling unit**" means one or more rooms occupied or designed to be occupied as a residence, and includes the adjoining lands, buildings and structures used or intended to be used by the occupants thereof;
- j) "**Releasable age**" means that age when an animal is able to fend on its own, and in the case of cats and dogs such age shall be deemed to be reached four months after birth;
- k) "**Running at large**" refers to an animal found in any place other than the premises of the owner of the animal and not under the control of any person;
- l) "**Native Species**" means any animal of a species indigenous to Ontario as defined in the Ontario Fish and wildlife Act.
- m) "**OMNR Permit**" means a permit issued under the Fish and wildlife Act, issued by the Ministry of Natural Resources of Ontario to keep said animal;
- n) "**Exotic Pet Permit**" means a permit to keep said animal, as issued by the Town of Kingsville and only valid upon endorsement by a veterinarian currently licenced to practice in the Province of Ontario. Copies of such permit to be kept by the owner, endorsing veterinarian, previous owner (where applicable) and the Town of Kingsville. (Attached hereto as Schedule "A")

SECTION – 2 (Animals in Urban Areas)

No person shall keep or cause to be kept in or about any dwelling unit, in any urban area:

- a) more than three (3) dogs;
- b) more than three (3) cats;
- c) more than three (3) pot bellied pigs;
- d) such size and number of Traditional Pets, excluding pot bellied pigs, whose combined body mass would exceed ten (10) kilograms (22 pounds);
- e) such size and number of Exotic Pets allowed under this by-law whose combined body mass would exceed twenty-five (25) kilograms (55 pounds);
- f) domestic fowl, cattle, goats, swine (excepting pot bellied pigs), horses, livestock, rink;
- g) Section 2 of this by-law shall not apply to:
 - i) an animal hospital or clinic lawfully operated and supervised by a veterinarian licensed to practice on Ontario;
 - ii) a shelter operated by the Essex County Humane Society; or by Erie Wildlife Rescue Inc.; or by Wings Inc.;
 - iii) a person holding a valid DMNR permit for such animal;
 - iv) the lawful operation of any menagerie, carnival, circus, or exhibition;
 - v) a registered research facility or any person licensed or exempted as an operator of an animal supply facility under the Animals for Research Act, R.S.D. 1980, c.22, as amended;
 - vi) any licensed dog kennel;
 - vii) any licensed cattery;
 - viii) any person who keeps an animal under releasable age;
 - ix) any person operating an aviary;

- x) any person which lawfully carries on the business of offering animals for sale that are permitted under this by-law;
- xi) any person who keeps animals in an agricultural area.

SECTION — 3 (All Animals, in any area of Town)

1. No person shall keep or cause to be kept in any area of the Town:
 1. any venomous reptile;
 - any venomous mammal;
 - any venomous spider;
 - any venomous insect;
 - any venomous fish.
 2. any animal of a dangerous nature.
 3. any native species unless the person holds a valid "D.M.N.R." permit for said animal, and unless the facilities for keeping said animal are such that there is no danger to people and to other animals
 4. any "Exotic Pet?" animal unless the owner holds a valid Exotic Pet Permit for said animal (example attached).
 5. any animal without all valid license(s) and permit(s) for the possession and/or import of said species where so required in law (including, but not limited to, a valid CITES Permit).
 6. Excepting an animal of native species under D.M.N.R. Permit:
 - any canid, except the domestic dog;
 - any felid, except the domestic cat;
 - any mustelid, except domestic ferret,
 - any procyonid (raccoons, coatis, cacomistles, etc.);
 - any bat (pteropodidae);
 - any marsupial, except sugar gliders;
 - any perissodactylous ungulate, except the domestic horse and ass;
 - any artiodactylous ungulates, except goats, sheep, bovids (cattle family), & commercially raised deer;
 - any erinacid, except the African Pygmy Hedgehog;
 - any edentate (anteaters, sloths, armadillos);
 - any elephant;
 - any hyena;
 - any non-human primate;
 - any pinniped (seals, sea lions, walruses);
 - any bear (ursidae);
 - any viverrid (mongoose, civet and genet family);
 - any crocodilian;
- any bird that is not one of the following:
- Anseriforme (Ducks, Geese, Swans and Screamers)
 - Raptor bird of Prey Falcons, Hawks, Eagles, owls)
 - Columbiforme (Pigeons, Doves)
 - Galliforme (Fowl, Quail, Pheasants)
 - Psittaciforme (Parrots, Cockatoos, Macaws)
 - Passeriforme (Perching birds)

SECTION – 4 (Responsibility of Animal ownership)

1. Any person who owns an animal shall:
 - a) treat it in a humane manner;
 - a. treat it so that offensive odors and the transfer of disease are minimized;
 - b) C) provide the necessary food, water, housing and attention as required to keep
 - c) the animal in good health and free from harm, and;
 - d) remove forthwith any excrement of the said animal and dispose of it in a sanitary manner.
 - e) An owner shall follow the following criteria when owning an animal:
 - i. have adequate knowledge of the species regarding nutritional, health care, social and housing requirements;
 - ii. the animal must not be illegally imported;

- iii. the animal must be likely to be an acceptable companion to the owner, and shall not be a nuisance on the basis of odor, noise, un-cleanliness, unruliness, and destructive behavior;
- iv. the animal must be non-venomous;
- v. the species must be unlikely to transmit disease to humans, or to wild or domestic animals;
- vi. the species must be unlikely to cause ecological damage if it escapes;
- vii. the animal must be able to be transported in a humane manner;
- viii. the animal must be obtained from a captive breeding program

SECTION — 5 (Animals at Large)

- 5.
- a) No person who owns any animal shall permit such animal to be at large within the Town of Kingsville;
 - b) For the purpose of this section, an animal is deemed to be at large when:
 - i) found on a highway or other public property or on private property other than the premises upon which it is habitually kept; and
 - ii) not under the control of any person;
 - iii) for the purpose of this section all animals shall be deemed not to be under the control of any person unless on a leash of not more than 3 meters in length;
 - iv) Section 5 (iii) does not apply to cats.
6. Every person who contravenes any provision of this by-law is guilty of an offence, and upon conviction is liable to a fine of not more than Two Thousand Dollars (\$2,000.00), exclusive of costs, and such penalty and costs shall be recoverable under the provisions of the Provincial Offences Act, R.S.O. 1980 as amended.

This by-law shall take effect and be in full force upon the final passing of the by-law by Council.

Any By-law of the former municipalities of the Town of Kingsville, Township of Gosfield South and Township of Gosfield North, which are inconsistent with this by-law are hereby repealed as of the date of passing of the by-law.

READ A FIRST AND SECOND TIME THIS 29th DAY OF JANUARY, 2001.

READ A THIRD AND FINAL TIME AND PASSED THIS 29th DAY OF JANUARY, 2001.

MAYOR, Patrick M. O'Neil

CLERK, Victoria Sim