

THE CORPORATION OF THE TOWNSHIP OF BILLINGS

BYLAW 2021-31

Being a Bylaw to Regulate the Keeping and Feeding of Domestic Animals and Exotic Animals or Wildlife Other Than Cats or Dogs

WHEREAS The *Ontario Municipal Act 2001, c. 25 section 8* provides that a municipality interpret this *Act* broadly so as to confer broad authority on the municipality to enable the municipality to govern its own affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS The *Ontario Municipal Act 2001, c. 25 section 10 (2) (9)* provides that a municipality may pass bylaws respecting matters including animals: and

WHEREAS The *Ontario Municipal Act, 2001, c. 25 section 10 (2) (6)* provides that a municipality may pass bylaws respecting the health, safety and well being of persons;

WHEREAS The *Ontario Municipal Act 2001, c. 25 section 425 (1)* provides that a municipality may pass bylaws providing that a person who contravenes a bylaw of the municipality passed under the *Act* is guilty of an offence; and

WHEREAS The *Ontario Municipal Act, 2001, c. 25 section 8 (3)* provides that a municipality may pass bylaws providing for a system of licensing respecting matters.

WHEREAS The Council of the Township of Billings deems it desirable, for the health, safety and well being of the public, to enact a bylaw to regulate the keeping of exotic animals and other domestic animals, other than dogs, within the Township of Billings;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF BILLINGS ENACTS AS FOLLOWS:

1.0 Definitions

1.1 "Animal" means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept for working purposes or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes duck, geese, swans or other animals that naturally inhabit park areas, protected land or open space.

1.2 "Apiary" means a place where bees and bee keeping equipment are kept.

1.3 "At Large" means to be found in any place other than the premises of the owner of the animal and not under the control of a person in such a manner as to prevent escape; except where the owner permits the animal to be on his or her property.

1.4 "Bee Keeping Equipment" means hives, parts of hives and the utensils for keeping bees.

1.5 "Bees" means insects known as *Apis Mellifera*.

1.6 "Cat" means a male or female feline of any breed of domesticated cat or crossbreed of domesticated cat.

1.7 "Control" means care and custody of an animal.

1.8 "Council" means the Council of the Corporation of the Township of Billings.

1.9 "Coop" means a fully enclosed weatherproof building where hens are kept and which includes nest boxes, perches and food and water containers.

1.10 "Domestic Animal" means an animal that has been tamed to live with humans that are kept for economic purposes such as meats, dairy products, wool, leather, or for working and sporting purposes. Domestic Animals would include, but not be limited to horses, cattle, sheep, pigs, goats, llamas or alpacas.

- 1.11 “Domestic Fowl”** means any feathered vertebrate animal living in or near the habitation of humans and not being wild; shall include but not be limited to chickens, ducks, geese, turkeys, pigeons but shall not include, song birds or vertebrates commonly kept as domestic pets including domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, onures, macaws, lorikeets, toucacos, toucans, orioles, mynahs, magpies, barbets, ascaris, pied homebills or cock of the rocks.
- 1.12 “Domestic Pet”** means a domestic animal, such as a dog or cat kept for pleasure rather than utility purposes.
- 1.13 “Dwelling”** means a Building or structure or part of a Building or structure, occupied or capable of being occupied in whole or in part for the purpose of human habitation.
- 1.14 “Endangered Species”** means an animal or plant existing in such small numbers that they are in danger of becoming extinct from either natural or human causes.
- 1.15 “Escape Proof Enclosure”**
- 1.16 “Feed or Feeding”** means the intentional act of giving, exposing, depositing, distributing or scattering any edible material with the intention of feeding, attracting or enticing any animal but does not include baiting during in any legal activities or in any attempt to confine any dog, cat or animal for the purpose of causing it to be impounded.
- 1.17 “Feral Cat”** means a cat found in the town that has no owner, is not socialized and is extremely fearful or resistant to humans.
- 1.18 “Hen”** means a domesticated female chicken that is at least 4 months old.
- 1.19 “Hen Run”** means an enclosure that allows hens to access the outdoors.
- 1.20 “Keeps”** means to own, keep, harbour, maintain or feed an animal.
- 1.21 “License”** means a license issued by the Town, for a fee, to own, harbour or possess an exotic animal identified in schedule “A”.
- 1.22 “Officer”** means on officer of the OPP or the Society for the Prevention of Cruelty to Animal or an Animal Control Officer or Bylaw Enforcement Officer appointed by the Council to enforce bylaws.
- 1.23 “Owner”** means any person who keeps, possesses, harbours an animal or allows the animal to remain on their premises, and for the purpose of this Bylaw shall include any person who fosters an animal from a recognized animal shelter or rescue; and where the owner is a minor, the person responsible for the custody of the minor and “owns” has a corresponding meaning.
- 1.24 “Pet”** means a domestic animal kept for pleasure rather than utility purposes.
- 1.25 “Physically Disabled Person”** means a person with any degree of any mental disability or physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes brain injury, paralysis, amputation, lack of physical coordination, blindness, visual impediment or any other condition that is medically diagnosed by a physician.
- 1.26 “Premises”** means the entire lot on which a single dwelling unit building or multi-dwelling unit building is situated.
- 1.27 “Public Property”** means all lands owned by the Township, any local boards, any corporations owned or controlled by the Township and includes all Crown lands.
- 1.28 “Recognized Animal Shelter or Rescue”** means a not-for-profit or charitable organization, whose mandate and practices are predominantly the rescue and placement of animals and facilitating the spaying or neutering of animals or for animal welfare purposes.
- 1.29 “Therapy Animal”** means an animal that is recognized by a physician, that provides a therapeutic or comfort value, or emotional support to the physically disabled owner of the animal.
- 1.30 “Township”** means the Corporation of the Township of Billings.
- 1.31 “Wildlife”** means any animal which is wild by nature and not normally domesticated.

2.0 Prohibitions

- 2.1** No person shall own, harbour, possess, Keep, sell or offer to sell any Animal listed in Schedule "A", as a Pet or for any other purpose or for any period of time:
- 2.1.1** Unless the identified type of animal that is being kept (as per Schedule 1) is kept at a permanent residence of the Pet Owner that is located in an area that is zoned as Rural or Agricultural as identified in the Billings Township Zoning Bylaw (1980-11).
- 2.2** No person shall intentionally feed, cause to be fed or provide or make available food, attractants or other similar substances for the consumption by wildlife on Township property.

3.0 Additional Conditions

- 3.1** Any Owner who keeps, harbours, owns or possesses the following Animals shall comply by the following conditions:
- 3.1.1** Bees
- a) Any Owner Keeping Bees within in the Township shall register with the Provincial Apiarist and abide by the *Ontario Bees Act R.R.O 1990, Regulation 57 and R.S.O 1990, Chapter B.6.*
- 3.1.2** Household Birds
- a) Any Owner shall keep household birds housed and in Escape-proof Enclosures.
- 3.1.3** Horses, Domestic Fowl, Cattle, Goats, Swine, Mink, Sheep and Mules.
- a) No owner shall keep horses, Domestic Fowl, cattle, bison, goats, swine, mink, sheep, mules or similar livestock within the Township, unless the property is designated as Rural or Agricultural by the Township Zoning Bylaw 1980-11.
- 3.1.4** Rabbits
- a) Any Owner of rabbit(s) will be allowed to keep a maximum of 2 rabbits in a Dwelling.
- b) Any Owner of rabbit(s) shall ensure that rabbit(s) are kept in escape-proof enclosures when outside.

4.0 Exceptions

- 4.1** Section 2.1 shall not apply to the following:
- 4.1.1** Premises operated by the Ontario Society for the Prevention of Cruelty to Animals.
- 4.1.2** A veterinary hospital under the control of a licensed veterinarian.
- 4.1.3** Any person holding a license under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals, identified in Schedule "A", under stated conditions.
- 4.1.4** Any Animal being displayed or exhibited for a set period of time in a Town sanctioned event which is operated in accordance with all of the Town bylaws.
- 4.1.5** Any professional film production company producing a film in the Township.

5.0 Enforcement

- 5.1** Any person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and upon conviction is liable to a set fine as provided by the *Provincial Offences Act R.S.O. 1990, chapter P. 33.* As amended. (See Schedule "B")
- 5.2** No person shall hinder or obstruct or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this Bylaw.

6.0 Severability

6.1 If any provision of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part in particular circumstances, the balance of the bylaw or its application in other circumstances, shall not be affected and shall continue in full force and effect.

7.0 Administration

7.1 This Bylaw will come into effect upon the date that the Bylaw is passed and enacted.

7.2 This Bylaw shall be referred to as the Domestic Animal and Exotic Animal Bylaw.

7.3 This bylaw shall repeal Billings Township Bylaw 2015-03

READ FOR THE FIRST This 19th day of July, 2021

SECOND AND THIRD TIME AND ENACTED THIS 3rd DAY OF AUGUST, 2021

.....
Chris Anderson
.....

MAYOR

.....
Jim Tarasch
.....

CLERK

SCHEDULE "A"

CORPORATION OF THE TOWNSHIP OF BILLINGS

BYLAW 2021-31

**BEING A BYLAW TO REGULATE THE KEEPING OF EXOTIC ANIMALS AND DOMESTIC ANIMALS
OTHER THAN DOGS OR CATS**

No person shall Own, Keep, harbour possess, sell or offer for sale any Animal listed below as a pet or for any other purpose or for any period of time.

- a) All non human primates i.e., gorillas, monkeys, gibbons etc.;
- b) All felids, except the domestic cat;
- c) All canids, except the domestic dog;
- d) All artiodactylous including goats, sheep, cattle, bison, llamas and alpaca except in areas identified in the current Zoning Bylaw 1980-11 as being Rural or as Agriculture.
- e) All Domestic Fowl means any feathered vertebrate animal living in or near the habitation of humans and not being wild; shall include but not be limited to chickens, ducks, geese, turkeys, pigeons except in areas identified in the current Zoning Bylaw as being Rural or Agricultural.
- f) All mustelids, including but not limited to skunks, weasels, otters, badgers etc., but not including the domestic ferret;
- g) All marsupials including but not limited kangaroos and opossums;
- h) All bats;
- i) All ursids i.e., bears;
- j) All hyenas
- k) All snapping turtles;
- l) All elephants;
- m) All snakes of the families of Pythonidae or boaidae;
- n) All poisonous or venomous snakes;
- o) All poisonous or venomous arachnids including but not limited to spiders;
- p) All crocodilians including but not limited alligators or crocodiles;
- q) All poisonous or venomous lizards; or
- r) Any endangered species as defined by the Canadian Wildlife Service.

SCHEDULE "B"

CORPORATION OF THE TOWNSHIP OF BILLINGS

BYLAW 2021-31

BEING A BYLAW TO REGULATE THE KEEPING OF EXOTIC ANIMALS AND DOMESTIC ANIMALS

OTHER THAN DOGS OR CATS

SET FINES SCHEDULE

PROVINCIAL OFFENCES ACT

PART 1

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Did keep a prohibited exotic pet Did feed wildlife on Township Property.	2.1 2.2	\$500.00 \$250.00
2	Failure to follow identified set conditions	3.1	\$500.00
3	Hinder or obstruct an officer	5.2	\$500.00
4	Attempt to hinder or obstruct an officer	5.2	\$500.00

Note: The penalty provision for the offences indicated above is section 5.1 of this Bylaw 2020-__ of which a certified copy has been filed.

SCHEDULE "C"

CORPORATION OF THE TOWNSHIP OF BILLINGS

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ZONING MAP

