

**THE CORPORATION OF THE VILLAGE
OF SOUTH RIVER**

By-Law 12-2017

Being a By-law to Prohibit the Keeping of Certain Animals within the Village of South River

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

AND WHEREAS the Council of the Village of South River deems it desirable, for the protection and in the public interest to pass a by-law to prohibit the keeping of exotic, wild and non-domestic animals within the limits of the Village of South River;

NOW THEREFORE the Council of the Corporation of the Village of South River enacts as follows:

1. DEFINITIONS

- a) 'M.L.E.O. means the person appointed by Council to be the Municipal Law Enforcement Officer;
- b) 'Village' means the Corporation of the Village of South River;
- c) 'control' includes care and custody;
- d) 'owner' includes a person who registered as the owner, has legal title to, possesses, harbors, or someone who regularly feeds an animal and who is eighteen years of age or over and 'owns' has a corresponding meaning;
- e) 'Veterinary Hospital' as defined providing emergency or overnight medical care by a licensed Veterinarian to domestic and farm animals.
- f) "Zoo or Wildlife Sanctuary' includes a person or persons who has registered with the Provincial Government and is in possession of all necessary documentation and complies with all regulations, provincial laws and municipal by-laws, to confine or keep captive any animal for the purposes of display or protection.

2. PROHIBITION

Except as provided in Section 4 of this by-law. No person shall; keep or harbor any animal listed in Schedule "A" of this by-law, anywhere in the Village of South River.

3. EXEMPTIONS

- 3.1 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 Zoo or Wildlife Sanctuary
 - c) In a designated pound or shelter
- 3.2 Application for exemptions from this by-law may also be received by Council.
- 3.3 Applications for temporary exemptions may be received by Council from, but not limited to, traveling circuses, film projects, person delivering educational programs, fairs, school and group presentations.
- 3.4 Each Application for exemption will be reviewed on an individual basis. Council may consult with experts and may either refuse the application or grant an exemption or grant a conditional exemption.
- 3.5 A written copy of the Council's decision must be provided to the applicant for an animal of the kind listed in Schedule 'A' prior to this animal being moved into the Village of South River. Moving the animal into the Village of South River prior to an

exemption being granted will result in the exemption becoming null and void and a notice of removal will be issued.

4. BUSINESSES

Unless exempt under Section 4 of this by-law, no person who operates a business within the Village of South River shall possess, keep, sell, or otherwise make available any animals listed in Schedule 'A' of this by-law.

5. RIGHT OF ENTRY

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

6. ISSUE OF AND COMPLIANCE WITH NOTICE

6.1 The By-law Enforcement Officer may issue a notice of removal with respect to any prohibited animal found on the premises, setting out a time and date by which such animals shall be removed from the premises.

6.2 An Owner or Lessee or Tenant shall comply with such notice within the stated time.

7. SEIZURE OR SURRENDER

7.1 The By-law Enforcement Officer shall take into possession, any animal listed in Schedule 'A' that may be seized or surrendered to him/her by the owner or care giver.

7.2 Animals surrendered to the By-Law Enforcement Officer shall become the property of the Village of South River and may be kept, adopted out to a lawful recipient or humanely destroyed by an agent of the Village of South River.

7.3 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33.

7.4 Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine and the Chief Judge of the Ontario Court (Provincial Division) shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "B" of this by-law.

8. SEVERABILITY AND CONFLICT

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

9. EFFECTIVE DATE

By-law #25-2015 shall be repealed.

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

READ A FIRST, SECOND TIME AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF APRIL, 2017.

Mayor

Clerk Administrator

**SCHEDULE “A”
To By-law 25-2015**

Class of Animal	Common Name - Examples
All Venomous Arachnids	tarantula
All Venomous Arthropods	scorpion
All Crocodylidae	Alligator, crocodile
All Ursidae	bear
All Venomous Reptillia	Venomous snake, lizard
All Serpentes of the families Pythonidae and Boidae	python, boa, anaconda
All Felids (other than common cat)	Leopard, lion, tiger, lynx, panther, puma, cheetah, jaguar, bobcat, ocelot or hybrids
All Canidae (other than common dog)	Wolf, fox, jackals

Note: The common names referred to in the right hand column are some of the names of animals included in the classes of animals referred to in the left hand column of this schedule.

The common names are provided for information purposes only and are not intended to limit the extent of the classes of animals referred to above.

THE CORPORATION OF THE VILLAGE OF SOUTH RIVER
SCHEDULE "B"
SET FINE AMOUNTS
 Provincial Offences Act-Part I

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	keep or harbor any animal listed in this by-law	2	\$105.00
2	possess, keep, sell, or otherwise make available any animals listed in this by-law.	4	\$105.00
3	Fail to comply with such notice within the stated time	6.2	\$105.00

Note: The general penalty provision for the offences listed above is section 7 of the bylaw 25-2015, A certified copy of which has been filed.