

**THE CORPORATION OF THE TOWNSHIP OF TINY**

**BY LAW NO. 05-101**

**Being a by-law to prohibit or regulate the  
keeping of certain classes of animals within  
the Township of Tiny**

**WHEREAS** Section 11 of the Municipal Act, S.O. 2001, c. 25, authorizes the Council of a local municipality to pass by-laws for prohibiting or regulating the keeping of animals within the municipality and for restricting the class of animals that may be kept by any person, or that may be kept in or about any dwelling unit or class of dwelling unit as defined in the by-law;

**AND WHEREAS** Section 104 of the Municipal Act, S.O. 2001, c. 25, sets out that for the purpose of Section 11, the definition of "animal" means any member of the animal kingdom, other than a human;

**AND WHEREAS** the Council of the Township of Tiny deems it expedient to prohibit or regulate certain classes of animals in the Township of Tiny.

**NOW BE IT ENACTED** as a by-law of this corporation as follows:

**1. TITLE**

- (a) This by-law shall be known and may be cited as the "Animal Control By-law." In the text of the by-law, it is referred to as "this by-law."

**2. DEFINITIONS**

For the purposes of this by-law:

- (a) "**Animal Control Officer**" means an Animal Control Officer appointed by by-law of the Township of Tiny;
- (b) "**At large**" means an animal found in any place other than the premises of the owner of the animal and not under the control of any person;
- (c) "**Council**" means the Council of the Corporation of the Township of Tiny;
- (d) "**Dwelling Unit**" shall mean one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one person or jointly by two or more persons containing its own kitchen and sanitary facilities, with a private entrance from outside the unit itself;
- (e) "**Land**" includes buildings and structures other than a dwelling unit;
- (f) "**Township**" means the Corporation of the Township of Tiny.

**3. RESTRICTIONS**

- (a) No person shall keep or permit to be kept, on any land within the Township, any animals listed in Schedule "A" attached and forming part of this by-law.

- (b) No person shall keep or permit to be kept, in a dwelling unit, any of the animals listed in Schedule "A."
- (c) No person shall keep or permit to be kept within the Township any horse, donkey, mule, alpaca, ostrich, rhea, cattle, sheep, goat, swine, poultry, deer or emu except upon lands within the municipality zoned Rural (A) or Restricted Rural (A1).
- (d) No person shall keep or permit to be kept within the Township more than four domestic rabbits, pigeons, or guinea pigs over three months in age, except upon lands zoned Rural (A).
- (e) No person shall keep or permit to be kept within the Township more than two non-venomous snakes, which reach an adult size of more than 3 metres in length.
- (f) No person shall keep or permit to be kept within the Township more than two non-venomous lizards, which reach an adult size of more than 2 metres in length.
- (g) Notwithstanding Sections 3(a)-(f) inclusive, the prohibition shall not apply to:
  - (i) A veterinary hospital as permitted under the Township's Zoning By-law, which is under the care of a licensed veterinarian;
  - (ii) A branch of the Ontario Society for the Prevention of Cruelty to Animals;
  - (iii) Any animal being displayed or exhibited for a set period of time in a municipally sanctioned event, which is operated in accordance with the municipality's conditions;
  - (iv) A zoo, accredited by the Canadian Association of Zoos and Aquariums (CAZA) and as permitted under the Township's Zoning By-Law, provided a policy or a certificate of insurance against occupiers liability is filed with the Township and endorsed to the effect that the Chief Municipal Law Enforcement Officer shall be given at least five (5) days notice in writing of any cancellation, expiration or variation in the amount of the policy and insuring in at least the following amounts:
    - a) In the case of bodily injury or death, to a limit of at least \$3,000,000.00(exclusive of interest and costs) against all claims for personal injury, including injury resulting in death and property damage, with an inclusive limit of not less than \$3,000,000.00. The policy or certificate of insurance shall be endorsed to the effect that the Township is named as an additional insured.

Annual proof of Accreditation with the Canadian Association of Zoos and Aquariums shall also be provided to the Township on or before January 1 of each year, in order to maintain exemption from the by-law.

- (v) Awenda Provincial Park or Tiny Marsh operated by the Ontario Ministry of Natural Resources for the purpose of a Wildlife Exhibit where animals listed in items 15, 23, 24, 25, 31 and 32 are displayed;
- (vi) A wildlife rehabilitator that is licensed by the Ontario Ministry of Natural Resources.
- (h) No person shall permit or allow any animal to trespass or to be at large.

**4. AUTHORIZATION**

- (a) Notwithstanding any of the provisions of this by-law, Council may authorize by by-law an exemption from any provision of this by-law with respect to the keeping of any class of animal where a written request is received for such authorization.

**5. ENTRY AND INSPECTION**

- (a) A police officer, municipal law enforcement officer or animal control officer may at any reasonable time, enter onto land to determine whether this by-law is being complied with.

**6. OBSTRUCTION**

- (a) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- (b) Any person who has been alleged to have contravened any of the provisions of this by-law, who fails to identify himself shall be deemed to have obstructed or hindered the person exercising a power or performing a duty under this by-law.

**7. PENALTY**

- (a) Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

**8. ADMINISTRATION AND ENFORCEMENT**

- (a) This by-law shall be administered by the Chief Municipal Law Enforcement Officer and by such other persons as may be appointed to do so by resolution or by-law of Council.
- (b) A police officer, municipal law enforcement officer and animal control officer are hereby vested with authority of enforcing the provisions of this by-law.
- (c) Any animal trespassing or at large may:
  - (i) be seized by any person, who shall deliver the animal to an animal control officer; and

- (ii) be seized and impounded and may be sold or destroyed by the animal control officer.
- (d) An animal control officer or police officer may kill an animal where it is trespassing or at large and, in his opinion, should be destroyed because it is injured, or for other humane reasons, or for the reasons of safety to persons or other animals.

**9. VALIDITY AND SEVERABILITY**

- (a) Every provision of this by-law is declared to be severable from the remainder and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.
- (b) By-law No. 93-28 is hereby repealed in its entirety.

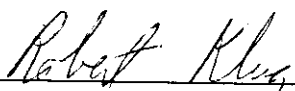
**10. EFFECTIVE DATE**

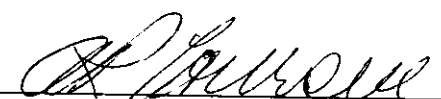
- (a) This by-law shall come into force and take effect on the date of passing.

READ A FIRST AND SECOND TIME THIS 28<sup>th</sup> DAY OF November 2005.

READ A THIRD TIME AND FINALLY PASSED THIS 28<sup>th</sup> DAY OF November 2005.

THE CORPORATION OF THE TOWNSHIP OF TINY

  
\_\_\_\_\_  
Mayor, Robert Klug

  
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CAO/Clerk, A. Ruth Coursey

**Schedule "A"**  
**To By-law 05-101**

**Animals Prohibited**

1. All Marsupialia (such as Kangaroos, Opossums, Koala, Cusus) except Sugar Gliders
2. All non-human Primates (such as Monkeys, Apes, Chimpanzees, Lemurs)
3. All Canidea (such as Wolf, Coyote, Fox) except Domestic Dog
4. All Felidea (such as Lion, Tiger, Leopard, Panther, Lynx) except Domestic Cat
5. All Mustelidea (such as Weasels, Ferret, Wolverine, Mink, Badger, Skunk, Otter) except Domestic Ferret
6. All Ursidae (such as Bear, Panda)
7. All Hyaenidae (such as Hyena)
8. All Procyonidae (such as Raccoon, Panda, Coatimundi)
9. All Viverridae (such as Mongoose, Civet, Genet)
10. All Pinnipedia (such as Seals, Sea Lions, Walruses)
11. All Perissodactyla (such as Zebra, Tapir, Rhinoceros) except domestic livestock such as horse, ass, or mule
12. All Artiodactyla (such as, Hippopotamus, Camel, Giraffe) except domestic livestock such as Pig (including Vietnamese Pot-Bellied Pig), Sheep, Goat, Cattle, Alpaca
13. All Edentata (such as Anteaters, Sloths, Armadillos)
14. All Proboscidea (such as Elephants)
15. All Chiroptera (such as Bats)
16. All Crocodilia (such as Crocodiles, Alligators, Caimans, Gavials)
17. All Chelydridae (such as Snapping Turtle)
18. All venomous reptiles
19. All snakes which reach an adult size of more than 3 metres in length
20. All lizards which reach an adult size of more than 2 metres in length
21. All Falconiformes (such as Hawks, Eagles, Kites, Harriers, Osprey)

Animals Prohibited (Continued)

22. All Strigiformes (such as Owls, Vultures, Buzzards)
23. All Ratite Birds (such as Cassowaires) except Rhea or Ostrich

**EXAMPLES OF ANIMALS OF A PARTICULAR PROHIBITED GROUP ARE IN PARENTHESES. THEY ARE EXAMPLES ONLY AND SHALL NOT BE CONSTRUED AS LIMITING THE GENERALITY OF THE GROUP.**