

# CORPORATION OF THE VILLAGE OF BURK'S FALLS

## BY-LAW NO. 17-2017

### BEING A BY-LAW TO REGULATE THE CARE AND CONTROL OF POULTRY, LIVESTOCK AND EXOTIC ANIMALS

**WHEREAS** sections 8, 9 and 10 of the Municipal Act, 2001, R.S.O, authorize the Village of Burk's Falls to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 8 and 9 of subsection 10(2) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of persons and property; and animals; and

**AND WHEREAS** subsection 8(3) of the Municipal Act, 2001, R.S.O provides that a by-law under section 10 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a person to do things respecting the matter, or may provide for a system of licences respecting the matter;

**AND WHEREAS** subsection 103(1) of the Municipal Act, 2001, R.S.O provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded animals;

**AND WHEREAS** section 425 of the Municipal Act, 2001, R.S.O authorizes the Village of Burk's Falls to pass by-laws indicating that a person who contravenes a by-law of the Village of Burk's Falls passed under that Act is guilty of an offence;

**AND WHEREAS** the Municipal Act, 2001, R.S.O further authorizes the Village of Burk's Falls, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

**NOW THEREFORE the Municipal Council of the Corporation of the Village of Burk's Falls hereby enacts as follows:**

#### 1. ADMINISTRATION AND INTERPRETATION

##### Short Title

1. This By-law may be referred to as "Livestock and Exotic Animal By-law"

##### 1.1 Administration

This By-law will be administered by the Clerk and be enforced with the Bylaw Law Enforcement Officers for the Village of Burk's Falls.

##### Definitions:

- a) **"aggressive"** shall mean: a) an assault resulting in bleeding, bone breakage, sprains, puncturing of skin, scratches or bruising; or b) aggressive behaviour resulting in physical contact and damage to clothing worn by the person or domestic animal, and "attacked" or "attacking" have a corresponding meaning;
- b) **"Altered"** shall mean spayed or neutered animal;
- c) **"Animal"** means an animal set out in the Schedules;
- d) **"at large"** shall mean being found outside of an enclosure located on the owner's property;
- e) **"By-law Enforcement Officer"** shall mean a person appointed by Council as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;
- f) **"Chicken"** shall mean a hen that is at least four months old
- g) **"Dwelling unit"** shall mean a building, room or rooms occupied or intended for use as a housekeeping unit in which sanitary, cooking, living and sleeping facilities exist;
- h) **"Medical Officer of Health"** shall mean the Medical Officer of Health for the North Bay Parry Sound District Health Unit or authorized assistants or persons acting under his or her authority;

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- i) **“Owner”** shall mean any person who possesses or harbours an animal, and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal, and the word “owns” has a similar meaning;
- j) **“Schedules”** shall mean the schedules attached to this by-law which may be amended, added to or deleted from time-to-time and shall form part of this bylaw;
- k) **“Urban Boundary”** shall mean the boundary as outlined in Schedule “B” attached;
- l) **“Village”** shall mean the municipal corporation known as the Village of Burk’s Falls;
- m) **“Without provocation”** shall mean in the absence of teasing, tormenting, abusing or assaulting actions, either in the past or the present, by the person or domestic animal who sustained the bite or attack.

## 2. CARE AND CONTROL GENERAL PROVISIONS

- 2.1 Every person who keeps an animal within the Village shall ensure that such animal is provided with:
  - a) a clean and sanitary environment free from an accumulation of fecal matter;
  - b) adequate and appropriate care, food, water, shelter, shade and opportunity for physical activity.

## 3. LICENSING PROVISIONS

- 3.1 Those animals that are deemed by the Council as Livestock or Exotic Animals and subject to restrictions or regulations within the Village are outlined in the Schedules.
- 3.2 Every owner of a regulated animal shall obtain a licence from the Village of Burk’s Falls prior to February 15<sup>th</sup> of each year. Licenses shall expire on the 31<sup>st</sup> day of December of the corresponding year.
- 3. Licences can be obtained at the Village of Burk’s Falls Municipal Office. All information collected for the purpose of the license is protected by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990.
- 4. Every owner will ensure to keep the issued license for the said term. Licenses are not transferable.
- 5. No owner or owners shall keep or permit to be kept an animal in any way that contravenes this bylaw.
- 6. Any animal owner currently housing a restricted or regulated animal shall continue to keep such animal until such time as it dies or can be rehomed but shall not be for a period of more than one year. The regulations of this bylaw shall be adhered to for this transition period.

## 2. RESPONSIBILITIES OF THE OWNER:

- 4.1 No owner of an animal shall permit it to be at large in the Village of Burk’s Falls.

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- 4.2 No owner shall permit their animal, whether leashed or unleashed to trespass on private property.
- 4.3 No owner shall allow their animal to be on a public road or in a public place at any time unless the animal is on a leash and such leash is held onto by a person.
- 4.4 Notwithstanding section 4.3 no person shall allow an animal to be at large at any time in any area designated as a public park or trail.
- 4.5 Every owner of an animal shall forthwith clean up and dispose of any excrement left by their animal on any property other than their own.
- 4.6 No owner shall permit any animal, owned or in their care, to make excessive or any unnecessary noise that is likely to disturb any inhabitant of the Village of Burk's Falls.

**3. ENFORCEMENT:**

- 5.1 For the purposes of ensuring compliance with this bylaw, an appointed municipal Officer may at any time enter any land and/or building for inspection and enforcement purposes.
- 5.2 The By-law Enforcement Officer shall seize and subsequently deliver any animal at large or kept in contravention of this bylaw to the Ontario Humane Society or other appropriate location; and;
  - a) when an animal is delivered to Ontario Humane Society or other appropriate location, the owner of the animal will be liable for all fees charged for the impound
- 3.3. Every animal, if impounded and not claimed within a three-day period may be sold.
- 3.4. Any person shall be entitled to take charge of any animal found at large and deliver same to the By-law Enforcement Officer.
- 3.5. Nothing in this bylaw shall prevent the Bylaw Enforcement Officer from destroying an animal which is ill or injured and where, in their opinion, is incapable of being cured.

**6. OBSTRUCTION**

- 6.1 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.
- 6.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the By-law Enforcement Officer upon request, failure to do so shall be deemed to have obstructed or hindered the By-Law Enforcement Officer in the execution of his/her duties.

**7. PENALTIES:**

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act as set out in Schedule "B".

**8. VALIDITY:**

- 8.1 That all sections of this by-law shall be deemed to be separate and independent therefor validity of any section or provision thereof shall not effect the remaining sections.

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8.2 If there is a conflict between a provision of any provincial or federal Act or a regulation under the Act, or any other Act relating to animals, and the provisions of this by-law, the provision that is the most restrictive in relation shall prevail.

**AS READ A FIRST AND SECOND TIME AND THIRD TIME THIS 26<sup>TH</sup> DAY OF SEPTEMBER 2017 AND**

**AS READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2017.**

**SEAL**

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**REEVE, CATHY STILL**

\_\_\_\_\_  
**CLERK NICKY KUNKEL**

**SCHEDULE "A"**

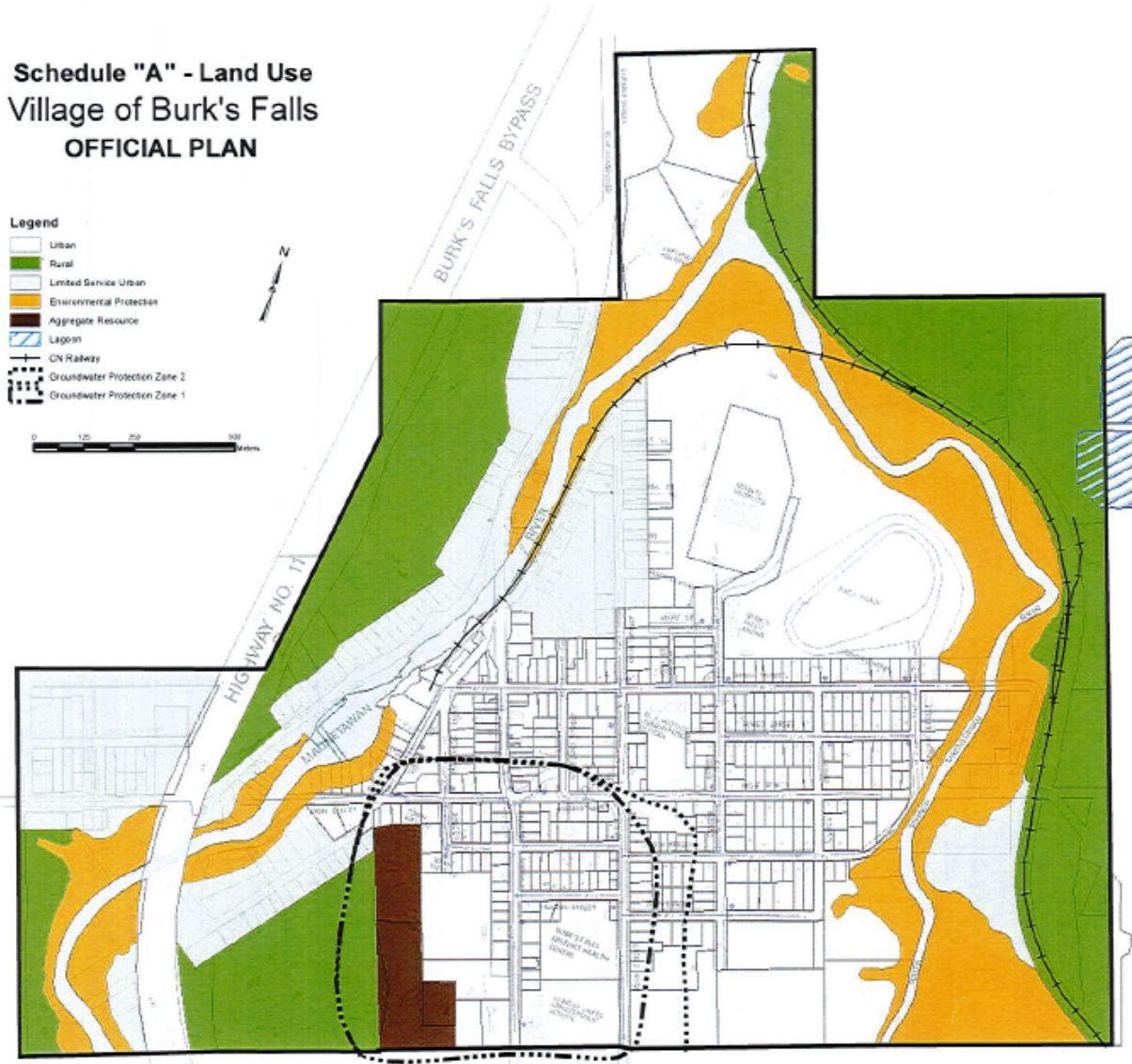
**Urban Boundary**

**Schedule "A" - Land Use  
Village of Burk's Falls  
OFFICIAL PLAN**

**Legend**

-  Urban
-  Rural
-  Limited Service Urban
-  Environmental Protection
-  Aggregate Resource
-  Lagoon
-  CN Railway
-  Groundwater Protection Zone 2
-  Groundwater Protection Zone 1

0 125 250 375  
Meters



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**Schedule "B" - Chickens / Hens**

1. A property owner may own or care for up to four (4) laying hens on their property at any one time pending a successful licence application from the Village of Burk's Falls
2. The property owner must reside on the property; tenants, multi-residential and commercial properties are not eligible for the keeping of the hens
3. No owner shall allow or permit his or her chicken to be at large
4. No person shall keep a rooster on their property in the Urban Boundary
5. Chicken coops shall only be permitted in the rear yard of the property with the following setbacks:
  - a. 4.5 m from any side lot line
  - b. 1.5 m from the rear lot line
  - c. 3 m from any watercourse
  - d. 15 m from any adjacent commercial, multiple residential or institutional use
  - e. 3 m from all windows and doors of dwellings that are located on an abutting property
  - f. Be less than 15% of total lot coverage and a maximum size of 10m<sup>2</sup>
  - g. Coops and runs shall be designed and constructed to ensure proper security, ventilation/heating and sufficient space for the chickens to maintain good animal husbandry practices and fully enclose the chickens
  - h. Chicken runs shall be kept in good repair and maintained in a sanitary condition and free of vermin and obnoxious smells and substances
6. The property owner shall store manure within an enclosed structure and store no more than three (3) cubic feet of manure at a time. All other manure not used for composting or fertilizing shall be removed immediately. All setbacks outlined in clause 6 shall also apply to the storing of manure.
7. Waste from the keeping of chickens shall not be included in curbside waste.
8. The keeping of hens shall be for personal use only
9. The property owner shall not slaughter or attempt to euthanize a hen on the property and shall not dispose of a deceased hen on property. All end of life disposal shall be located at an authorized farm, veterinarian office or other facility lawfully able to dispose of hens.
10. A property owner who keeps poultry other than hens shall abide by the regulations outlined in this Schedule.

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11. Properties within the Groundwater Protection Zone 1 and 2 and properties designated Environmentally Protection shall not be allowed to keep hens or any other type of poultry or livestock.



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**Schedule "C" - Rabbits**

1. A property owner may own or care for up to four (4) rabbits on their property at any one time pending a successful licence application from the Village of Burk's Falls
2. The property owner must reside on the property; tenants, multi-residential and commercial properties are not eligible for the keeping of the rabbits
3. No owner shall allow or permit his or her rabbit to be at large
4. Rabbitries shall only be permitted in the rear yard of the property with the following setbacks:
  - a. 4.5 m from any side lot line
  - b. 1.5 m from the rear lot line
  - c. 3 m from any property line abutting a watercourse
  - d. 15 m from any adjacent commercial, multiple residential or institutional use
  - e. 3 m from all windows and doors of dwellings that are located on an abutting property
  - f. Be less than 15% of total lot coverage and a maximum size of 10m<sup>2</sup>
  - g. Rabbitries shall be designed and constructed to ensure proper security, ventilation/heating and sufficient space for the rabbit to maintain good animal husbandry practices and fully enclose the rabbits
  - h. Rabbitries shall be kept in good repair and maintained in a sanitary condition and free of vermin and obnoxious smells and substances
5. The property owner shall store manure within an enclosed structure and store no more than three (3) cubic feet of manure at a time. All other manure not used for composting or fertilizing shall be removed immediately. All setbacks outlined in clause 6 shall also apply to the storing of manure.
6. Waste from the keeping of rabbits shall not be included in curbside waste.
7. The keeping of rabbits shall be for personal use only
8. The property owner shall not slaughter or attempt to euthanize a rabbit on the property and shall not dispose of a deceased rabbit on property. All end of life disposal shall be located at an authorized farm, veterinarian office or other facility lawfully able to dispose of rabbits.

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**Schedule “D” – Exotic Animals**

1. In this schedule exotic animal means any animal(s) that are introduced from another country, and/or not native to the place were found
  
2. Every person who keeps an exotic animal shall have it registered with the Village of Burk’s Falls annually.
  
3. Every person who keeps an exotic animal shall ensure it is kept in the appropriate manner to provide proper security from escape, ventilation, sufficient space and maintained in accordance with good animal husbandry practices.
  
4. The following chart outlines the animals prohibited from being housed, kept, cared for or otherwise in a human captivity within the Village of Burk’s Falls:

Class	Order	Examples of Common Names
Endangered or Protected	All	All animals, native or exotic, whose possession or sale is prohibited pursuant to an international, federal or provincial law or regulation
Mammals	Artiodactyla (even toed ungulates)	Cattle, goats, sheep, pigs, deer, elk
	Carnivora	Panda, otter, wolves, bears, seals, walruses, coyotes, foxes, tigers, leopards, cougars, lions lynx, mink, skunk, weasels, badgers, mongoose, civets, raccoons
	Chiroptera	Bats, myotis, flying foxes
	Edentates	Anteaters, sloths, armadillos
	Lagomorpha	Hares, pikas (except domestic rabbits)
	Marsupial	Koala, kangaroo, possum, wallabies
	Primates	Chimpanzees, gorillas, monkeys, lemurs
	Proboscidea	Elephants, rhinoceros, hippopotamus
Reptiles	Crocodylia	Alligators, crocodiles, gaviel, caiman’s
	Squamata	Lizards that are venomous Lizards that reach an adult length greater than 4 feet from snout to vent  Snakes that are venomous Snakes that reach an adult length greater than 2 metres (6.56 ft.)
Birds	Anseriformes	Ducks, geese, screamers
	Galliformes	Pheasants, grouse, guinea fowls, pea fowl with the exception of laying hens
	Struthioniformes	Ostrich, reheas, cassowaries, emus, kiwis
	Raptors	Eagles, hawks, falcons, owls
Arachnids	All	With the exception rose hair and pink toe tarantula



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Other	All	All other venomous or poisonous animals
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**Schedule "F" – Exotic Animals con't**

5. Exceptions to Subsection 4 where an prohibited animal may be temporarily located within the Village
  - a. Veterinary Hospital/Clinic under the care of a licensed Veterinarian until the animal is healthy enough to be moved
  - b. Rehabilitation Centre; meaning a licensed and/or certified facility established for the care and treatment of injured, sick or orphaned animals with the objective of restoring the animals to their former capacity or function and then returning and releasing them to their natural habitat
  - c. A traveling circus or similar exhibition and display of exotic animals provided that Council has given its prior approval for the lands and premises to be used for such an event.
  - d. Any person holding a license under any statute of the Federal or Provincial government which permits the keeping of animals under stated conditions

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**SCHEDULE "G"**

**REGULATION OF LIVESTOCK AND EXOTIC ANIMALS- SET FINES**

**Part I Provincial Offences Act**

<b>ITEM</b>	<b>COLUMN 1</b> Short Form Wording	<b>COLUMN 2</b> Provision creating or defining offence	<b>COLUMN 3</b> Set Fine
1	Fail to provide clean and sanitary environment for animal(s)	2.1 (a)	\$100.00
2	Fail to provide adequate and appropriate care for animal(s)	2.1 (b)	\$100.00
3	Fail to purchase an animal licence	3.2	\$100.00
4	Keep or permit an animal that contravenes any provision or schedule in this by-law	3.5	\$100.00
5	Permit animal to run at large	4.1	\$100.00
6	Permit animal to trespass on private property	4.2	\$100.00
7	Allow animal to be on public road or in a public place	4.3	\$100.00
8	Allow an animal to run at large in a designated public park or trail	4.4	\$100.00
9	Fail to clean up excrement	4.5	\$100.00
10	Permit animal to make excessive noise	4.6	\$100.00
11	Hinder or obstruct any person exercising a power or performing a duty under this By-law	6.1	\$300.00

**Note: the general penalty provision for the offences listed above is section 6.1 of bylaw 17-2017, a certified copy of which has been filed.**

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**SCHEDULE "G"**

**Part 1 Provincial Offences Act**

**REGULATION OF LIVESTOCK AND EXOTIC ANIMALS- SET FINES**

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1	Fail to provide clean and sanitary environment for animal(s)	2.1 (a)	
2	Fail to provide adequate and appropriate care for animal(s)	2.1 (b)	
3	Fail to purchase an animal licence	3.2	
4	Keep or permit an animal that contravenes any provision or schedule in this by-law	3.5	
5	Permit animal to run at large	4.1	
6	Permit animal to trespass on private property	4.2	
7	Allow animal to be on public road or in a public place	4.3	
8	Allow an animal to run at large in a designated public park or trail	4.4	
9	Fail to clean up excrement	4.5	
10	Permit animal to make excessive noise	4.6	
11	Hinder or obstruct any person exercising a power or performing a duty under this By-law	6.1	

**Note: the general penalty provision for the offences listed above is section 6 of bylaw 08-2017, a certified copy of which has been filed.**