

The Corporation of the Town of Minto

By-law Number 2020-73

to regulate the keeping, licensing, control, and welfare of certain classes of animals in the Town of Minto

WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, permits a municipality to pass by-laws respecting animals and the protection of persons and property;

AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, permits a municipality to pass a by-law regulating or prohibiting with respect to the being at large or trespassing of animals and to provide for the seizure, impounding and sale of such animals;

AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c. 25* as amended, permits a municipality to provide for a system of licences with respect to animals;

AND WHEREAS the Council of the Town of Minto deems it expedient to prohibit and to control or regulate certain classes of animals;

NOW THEREFORE the Council of the Corporation of the Town of Minto enacts as follows:

1. SHORT TITLE

1.1 This by-law shall be known as "The Exotic Animal By-law"

2. DEFINITIONS

2.1 In this by-law:

Agricultural Property shall mean any lands designated as an agricultural zone under the provisions of the Town of Minto Zoning By-law where the predominant use is for agricultural purposes.

Animal shall mean any member of the animal kingdom, other than human.

Harbour shall mean keeping or possessing, for any period, whether temporary or not.

Hen shall mean a female chicken.

Keep shall mean harboring or possessing, for any period, whether temporary or not.

License shall mean a license issued by the Town of Minto pursuant to this by-law.

Officer shall mean a person appointed by the Town of Minto to be responsible for enforcing the municipalities by-laws and may include, but not limited to, a By-law Enforcement Officer or a Provincial Offences Officer.

Owner shall mean any person who keeps, harbours, or possesses an animal and where the owner is a minor, the person responsible for the custody of the minor.

Person shall mean an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative.

Pound shall mean any premise or facility, or part thereof, used by the Town for the temporary housing or boarding of animals that have been impounded pursuant to this by-law.

Pound Keeper shall mean any person appointed by the Town to provide a pound.

Property shall mean a parcel of land or real estate.

Rooster shall mean a male chicken.

Running at large shall mean an animal that is not on the property of the owner and not under the control of a responsible person.

Town shall mean to Corporation of the Town of Minto.

3. PROHIBITED ANIMALS

3.1 No person shall keep, harbour, or possess an animal identified as prohibited in Schedule A to this by-law.

3.2 Notwithstanding section 3.1, an animal identified as prohibited in schedule A to this by-law may be kept or harboured:

- (a) at a special event approved by the Town;
- (b) at a premise licensed or exempt under the *Animals for Research Act, R.S.O. 1990, c.A.22* as amended,
- (c) by a person licensed, exempt, or otherwise expressly permitted by Provincial or Federal legislation,
- (d) at a veterinary hospital under the care of a veterinarian licensed by the College of Veterinarians of Ontario,
- (e) at a public pound,
- (f) in a vehicle that is transporting the prohibited animal to either sub paragraph (d) or (e).

3.3 Notwithstanding section 3.1, no person shall keep, harbour, or possess an animal that is prohibited by or under any Provincial or Federal legislation.

4. RESTRICTED ANIMALS

4.1 No person shall keep, harbour, or possess any animal or animals of any of the following classes on a property zoned other than agricultural:

- (a) All ungulate, artiodactyla and perissodactyla (such as goats, sheep, pigs, cattle, deer, camels, emu, hippopotamus, rhinoceros, tapirs, llama, domestic horse, pony, ass, donkey, mule, buffalo, bison, zebra, deer, elk, yak and elephants),
- (b) Roosters,
- (c) Galliformes (pheasants, grouse, guinea fowl, turkeys, peafowl),
- (d) Ratites (ostrich, rhea, kiwi, or emu).

4.2 Section 4.1 shall not apply to:

- (a) a special event approved by the Town,
- (b) a premise licensed or exempt under the *Animals for Research Act, R.S.O. 1990, c.A.22* as amended,
- (c) a person licensed, exempt, or otherwise expressly permitted by Provincial or Federal legislation,
- (d) a veterinary hospital under the care of a veterinarian licensed by the College of Veterinarians of Ontario,

(e) at a public pound,

(f) in a vehicle that is transporting the prohibited animal to either sub paragraph (d) or (e).

5. HENS

5.1 No person shall keep, harbour, or possess hens, on a property zoned other than agricultural, without the coop being licensed by the Town of Minto.

5.2 No person shall keep, harbour, or possess, on a property zoned other than agricultural, more than 5 hens.

5.3 No person shall keep, harbour, or possess hens, on a property zoned other than agricultural, in accordance with the following:

(a) a coop shall be in the rear yard where no part of the coop is closer than 10 metres (33 feet) to a church or neighbouring residence,

(b) a hen coop shall be located no closer than 1 metre (3 feet) to a rear lot line or interior side lot line,

(c) a hen coop shall not be in a front or exterior side yard,

(d) a hen coop shall be a maximum size of 10 m² (108 ft²),

(e) a hen coop shall provide a minimum area of .19 m² (2 ft²) for each hen,

(f) a hen coop shall provide a minimum enclosed outdoor area of 1 m² (11 ft²),

(g) a hen coop shall provide a perch that is at least 20 cm (8 in) long for each hen,

(h) a hen coop shall be fully enclosed to prevent the hens from escaping and prevent other animals from entering,

(i) a hen coop shall be properly ventilated, weatherproofed and insulated to maintain a proper air temperature suitable for the hens,

(j) a hen coop shall provide a nest box for each hen and a dust bath area.

5.4 Every person who keeps, harbours, or possesses hens on a property zoned other than agricultural shall:

(a) maintain the hen coop in a clean condition, free from the accumulation of feces, offensive odours, insect, or rodent infestations,

(b) always keep the hens enclosed inside the coop in the rear yard unless under the owner's supervision,

(c) keep all refuse contained in airtight containers to prevent odours, and disposed of in a manner that will not create a public nuisance or health hazard,

(d) keep all food for the hens in rodent proof containers,

(e) keep all equipment and materials used to keep and care for the hens stored within a building or structure or under cover and screened from view of the public. Where it is necessary to do so, a hedge or other such vegetation shall be planted, or a solid fence erected to act as a screen,

(f) maintain the coop by regular painting or finished with permanent siding to not exhibit an unsightly appearance in accordance with the Town of Minto Property Standards By-law.

5.5 Every person who keeps, harbours, or possesses hens, on a property zoned other than agricultural, shall ensure the flock is supplied with sufficient food and water, and veterinary care as needed to maintain good health.

5.6 Every person who keeps, harbours or possesses hens, on a property zoned other than agricultural, shall ensure that expired hens are disposed of under the direction of a veterinarian or public health professional so as to prevent and control common infectious diseases and protect public health.

6. COOP REGISTRATION

6.1 Any person wishing to keep, harbour or possess hens on a property zoned other agricultural shall complete the form attached as Schedule B of this by-law and submit it to the Town along with the required fee as set out in the Town of Minto Fees and Charges By-law.

6.2 The Town shall provide notice to adjoining property owners that a licence for keeping of hens has been applied for including the number of hens to be kept. A copy of the application and license shall be sent to Wellington Dufferin Guelph Public Health.

6.3 The registration of the coop is subject to the completion of an inspection to the satisfaction of the Town.

6.4 The licensing period shall be 12 months and shall commence on the first business day in November.

6.5 The Town may revoke or deny a license if any application or other document provided to the Town by or on behalf of the owner of a hen coop contains a false statement or provides false information, the coop violates any of the provisions of this by-law or on the recommendation of a licensed veterinarian.

6.6 A license is not transferable and shall not continue with a property.

6.7 An Officer may enter upon the lands to inspect a coop at any reasonable time to inspect the coop, without prior notice, to ensure compliance with this by-law.

7. RUNNING AT LARGE

7.1 No person shall permit or allow any animal owned by them to be at large at any time in the Town of Minto.

7.2 No person shall permit or allow any animal owned by them to trespass on any property at any time in the Town of Minto.

7.3 Any person shall be entitled to take charge or control of any animal found to be running at large or trespassing within the Town of Minto and to deliver the same to the Pound Keeper.

8. IMPOUNDMENT

8.1 Where an animal is seized and impounded, the Pound Keeper shall make reasonable effort to notify the owner that the animal has been impounded.

8.2 Where an animal has been seized and impounded, the Pound Keeper shall return it to the owner provided that:

- (a) the owner takes possession of the animal within 3 days after the date of seizure, and
- (b) the animal can be lawfully returned, and
- (c) upon payment of any licensing fees, and
- (d) upon payment of any impound and boarding fees.

8.3 The owner of an animal impounded, if known, whether or not the animal is claimed from the pound by the owner, shall be liable for payment of the pound fee, the boarding fee and any euthanasia and disposal fees applicable and shall pay all fees to the Town of Minto.

8.4 Where after 3 days an animal has not been returned to the owner, the pound keeper may sell or re-home the animal.

8.5 All monies received from the sale of unclaimed animals shall become the property of the Town of Minto.

8.6 A veterinarian may euthanize an animal if,

(a) the animal is suffering,

(b) the animal's owner or custodian cannot be found promptly, or a veterinarian believes that,

(i) the animal does not have an owner or custodian, or

(ii) the animal's owner or custodian has abandoned the animal, or

(c) in the veterinarian's opinion, that this is the most humane course of action

9. PENALTY PROVISIONS

9.1 No person shall obstruct an Officer in the enforcement of this by-law.

9.2 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to a penalty and costs as provided for in the *Provincial Offences Act, R.S.O., 1990 c. P. 33*, as amended.

10. SEVERABILITY

10.1 Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions shall remain in full force and effect.

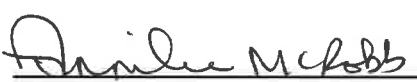
11. REPEAL OF BY-LAW

11.1 This by-law hereby repeals by-law 02-80

Read a first, second, third time and passed in open Council this 4th day of November 2020



Mayor George Bridge



Clerk Annilene McRobb

SCHEDULE A

PROHIBITED ANIMALS

No person shall keep, harbour, or possess any of the following classes of animals in the Town of Minto:

- a) All marsupials (such as kangaroos and opossums),
- b) All non-human primates (such as gorillas and monkeys),
- c) All feline, except the domestic cat,
- d) All canidae (such as wolves, coyotes, foxes, and hybrids) except the domestic dog,
- e) All viverrine (such as mongooses and civets),
- f) All musteline (such as minks, chinchillas, weasels, ferrets, otters, and badgers),
- g) All ursine (bears),
- h) All hyena,
- i) All pinniped (such as seals and walrus),
- j) All snakes,
- k) All lizards,
- l) All raptors (such as eagles, hawks, and owls),
- m) All edentates (such as anteaters, sloths, and armadillos),
- n) All bats,
- o) All crocodylia (such as alligators, caimans, and crocodiles),
- p) All skunks,
- q) All arachnids (such as spiders, tarantulas, and scorpions),
- r) No person shall keep, harbour, or possess wildlife unless,
 - (i) The keeping of such wildlife is in accordance with Provincial or Federal statutes or regulations, and
 - (ii) Such animals are kept on lands zoned agricultural.

SCHEDULE B
APPLICATION TO KEEP HENS IN A RESIDENTIAL AREA

Name of Registered Owner: _____

Address: _____

Phone#: _____

Email (mandatory): _____

Number of laying hens (must be 5 or less): _____

Name of Veterinarian _____

Vet Contact Information _____

Please draw or attach a site plan or coop design/layout:

Additional Information:

Signature of Registered Owner

Town of Minto

Set Fines

Part 1 Provincial Offences Act

By-law 2020-73, a by-law to regulate the keeping, licensing, control, and welfare of certain classes of animals in the Town of Minto

Item	Column 1 Short form wording	Column 2 Provision creating or defining offence	Column 3 Set fines (including costs)
1	Keep, harbour, possess a prohibited animal	Section 3.1	\$200.00
2	Keep, harbour, possess a restricted animal	Section 4.1	\$100.00
3	Fail to license hen coop	Section 5.1	\$150.00
4	Keep, harbour, possess more than 5 hens	Section 5.2	\$100.00
5	Fail to maintain coop in a clean condition	Section 5.3 (a)	\$100.00
6	Allow or permit animal to run at large	Section 7.1	\$200.00
7	Obstruction	Section 9.1	\$400.00

Note: The general penalty provisions for the offences listed above is section 9.2 of by-law 2020-73, a certified copy of which has been filed.