

THE CORPORATION OF THE TOWN OF AJAX

BY-LAW NUMBER 125-95

Being a By-law to prohibit or regulate the keeping and running at large of certain animals.

WHEREAS, subsections 210(1), 210(4), 210(6) and 210(7) of the Municipal Act (R.S.O. 1990, Ch. M.45), as amended, provide that by-laws may be passed by the Councils of local municipalities for:

- a) prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof;
- b) prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law;
- c) appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality; and
- d) determining the compensation to be allowed for services rendered in respect of animals impounded.

AND WHEREAS, Section 320 of the Municipal Act (R.S.O. 1990, Ch. M.45), as amended, provides that by-laws may be passed by the councils of all municipalities for providing that any person who contravenes any by-law of the council passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS, Section 61 of the Provincial Offences Act (R.S.O. 1990, Ch. P.33), as amended, provides that except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than \$5,000.00;

AND WHEREAS, the Council of the Corporation of the Town of Ajax, considers it appropriate to pass a by-law to prohibit the running at large of animals and the keeping of certain animals and to regulate the keeping of certain animals;

NOW THEREFORE, The Council of the Corporation of the Town of Ajax enacts as follows:

DEFINITIONS

1. In this By-law, the term,
 - a) "animal" includes birds and reptiles but, for the purposes of Sections 6, 7, 8, and 9 of this By-law, excludes dogs and pigeons;
 - b) "dwelling unit" means a room or suite of two or more rooms,
 - i) designed or intended for residential use by a person or persons,
 - ii) in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons,

- iii) having a private entrance from outside or from a common hallway or stairway, and
- iv) located in a residentially zoned part of the Town;
- c) "highway" means any common and public highway in the Town, and includes a street and a bridge forming part of any highway or on, over or across which a highway passes;
- d) "keep" or "own" means own, harbour or have the temporary or permanent possession or control of an animal and "keeper" or "owner" has a corresponding meaning;
- e) "poundkeeper" means a person or persons employed by, under contract to, or employed by a contractor under contract to, the Town to operate an animal pound for the Town;
- f) "rural area" means that portion of the Town not contained within Planning Areas A1, A2, A3, A4, A5, A6, and A7;
- g) "Town" means the Corporation of the Town of Ajax; and
- h) "urban area" means that portion of the Town identified as Planning Areas A1, A2, A3, A4, A5, A6, and A7.

KEEPING OF CERTAIN ANIMALS PROHIBITED

- 2. a) No person shall, either knowingly or not knowingly, keep in the urban area of the Town an animal of a class set out in Schedule 'A' hereto.
- b) No person shall, either knowingly or not knowingly, keep in the rural area of the Town an animal of a class set out in Schedule 'B' hereto.

KEEPING OF PIGEONS

- 3. Every person keeping pigeons in the urban or rural areas of the Town shall do so for racing and/or show purposes only and shall:
 - a) provide proof that the pigeons are for racing and/or show purposes only; such proof to be in the form of appropriate documentation and/or banding which must be to the satisfaction of the Town;
 - b) keep the pigeons in a building, structure, loft, pen, coop or run which is maintained by regular painting or permanent siding;
 - c) limewash, paint or disinfect the inside walls and ceilings of all buildings, structures, lofts, pens, coops and runs used for the keeping of pigeons, other than outside runs enclosed solely with wire, at least two times per calendar year;
 - d) remove and dispose in a sanitary manner, at least twice each week, all pigeon droppings and refuse within or adjacent to all buildings, structures, lofts, pens, coops and runs used for the keeping of pigeons, it being understood that this requirement shall not apply when below freezing temperatures prevent waste removal and disposal;
 - e) store all pigeon feed in rodent-proof containers;
 - f) keep all equipment associated with the keeping of pigeons under cover; and

- g) keep the pigeons enclosed at all times except during a maximum of two daily, two hour, flight periods during which no more than 50% of the total number of pigeons being kept shall be permitted to be at large during any particular flight period, it being understood that this restriction shall not apply to members of a racing pigeon club when the members are participating in a bona fide flight conducted by the club.

KEEPING OF FERRETS

- 4. No person, being an owner, tenant or occupant of a dwelling unit shall knowingly or not knowingly keep, own, or harbour, or permit to be kept, owned, or harboured, more than two (2) ferrets in or about a dwelling unit.

ANIMALS RUNNING AT LARGE PROHIBITED

- 5. No keeper of an animal shall, either knowingly or not knowingly, allow the animal to run at large or trespass within the limits of the Town, it being understood that an animal shall be deemed to be running at large or trespassing when found in any place in the Town, other than the premises of the keeper of the animal, and not under the control of any person.
- 6. a) Any person may take charge of an animal found running at large or trespassing but shall forthwith deliver the animal to a poundkeeper, it being understood that nothing in this subsection confers on any person a right to enter any premises.
- b) A person taking charge of an animal found running at large or trespassing shall not be deemed to be a keeper of the animal unless the person fails to forthwith deliver the animal to a poundkeeper.

POUNDKEEPER

- 7. A poundkeeper may impound any animal:
 - a) delivered to the poundkeeper by a person finding the animal running at large or trespassing; or
 - b) found running at large or trespassing by the poundkeeper.
- 8. A poundkeeper shall restore possession of the animal to a person claiming it only where:
 - a) the person claims possession of the animal within five (5) days, exclusive of Sundays and statutory holidays, commencing on the day after the day of impounding;
 - b) the person is the most recent keeper of the animal prior to its impounding;
 - c) the person pays to the poundkeeper or provides to the poundkeeper proof of payment of:
 - i) any damages payable as a result of the trespassing of the animal in accordance with the damage appraisal prepared by the poundkeeper;
 - ii) any fine payable in accordance with the provisions of this By-law;
 - iii) any expenses incurred by the poundkeeper for the making of a damage appraisal and services rendered to the impounded animal.

- d) the person demonstrates that the place at which they intend to keep the animal is not within an area of the Town where the keeping of such an animal is prohibited by this By-law.
- 9.
- a) For the purposes of subsection 8(c)(iii) above and subsection 10(b) below, "services rendered to the impounded animal" shall include, without limiting the generality thereof, reasonable shelter and food for the animal so long as it is impounded.
 - b) The poundkeeper shall, at the request of any person, examine any thing, matter, or circumstance relating to the trespassing of an impounded animal and shall appraise the damages, if any, to be paid by the owner of the animal as a result of such trespassing.
10. Where, on the sixth (6th) day, exclusive of Sundays and statutory holidays, commencing on the day after the day of impounding, possession of an animal has not been restored to the owner of the animal, the poundkeeper shall sell the animal and the proceeds of such sale shall be applied:
- a) firstly, to any expenses incurred by the poundkeeper in conducting the sale;
 - b) secondly, to any expenses incurred by the poundkeeper for services rendered to the impounded animal;
 - c) thirdly, to any expenses incurred by the poundkeeper in the making of a damage appraisal;
 - d) fourthly, to any damages payable in accordance with the damage appraisal prepared by the poundkeeper; and
 - e) fifthly, to the Town.

EXCEPTIONS

11. The provisions contained in section 2 of this By-law shall not apply to:
- a) a poundkeeper keeping animals on pound premises;
 - b) a licenced veterinarian keeping animals in a veterinary hospital;
 - c) an employee of an educational or medical institution keeping animals on the institution premises for research, study or teaching purposes;
 - d) a person holding a licence issued by the Government of Canada or the Province of Ontario permitting the keeping of animals, subject to the terms and conditions of the licence;
 - e) a person conducting an animal exhibition on premises approved by the Town, including but not necessarily limited to, a person conducting a circus, rodeo or petting zoo; and
 - f) the vehicular transport of animals within the corporate limits of the Town.

PENALTIES

12. Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction thereof is liable to a fine of not more than \$5,000.00, exclusive of costs, which shall be recoverable under the provisions of the Provincial Offenses Act and all of the provisions of the said Act shall apply to any prosecution for any offence under the provisions of this By-law.

SHORT TITLE

13. This By-law may be referred to as the Animal Control By-law.

REPEAL OF EXISTING BY-LAWS

14. By-laws 108-84 and 61-90 are hereby repealed.

READ a first time this
Twentieth day of November,
1995.

READ a second time this
Twentieth day of November,
1995.

READ a third time and finally
passed this Twentieth day of
November, 1995.

Mayor

Clerk

SCHEDULE 'A' TO BY-LAW 125-95

<u>Class of Animal</u>	<u>Common Name</u>
	Set out in this column are <u>some</u> of the common names of animals included in the classes of animals referred to in the opposite column of this schedule. The common names are provided for illustration purposes only and are not intended to limit the extent of the classes of animals referred to.
Arthropods of the classes of Arachnid Chilopoda and Diplopoda	scorpion, spider, centipede, millipede
Arthropods of the class Insecta and order Coleoptera	beetles
Artiodactyl Ungulates	cattle, deer, goat, pig, sheep
Columbidae, unless kept for racing or show purposes only	pigeon
Canidae, other than canis familiaris	wolf, jackal, fox
Chiropterae	bat
Crocodylidae	alligator, crocodile
Edentates	anteater, armadillo, sloth
Elephants	elephant
Felids, other than felis catus	leopard, lion, lynx, panther, puma
Hyanenidae	hyena
Marsupialia	bandicoot, kangaroo, opossum, wombat
Mustelidae	marten, polecat, weasel (Note: for the purposes of this schedule, mustelidae does not include mink, ferrets or chinchilla)
Perissodactyl Ungulates	horse, tapir
Phasianidae	chicken, partridge, pheasant quail
Pinnipediae	seal, walrus
Primata, other than man	ape, lemur, monkey
Procyonidae	coati, racoon
Raptors	eagle, hawk, owl, vulture
Ratitae	cassowary, ostrich
Ursidae	bear
Venomous Reptilia	venomous snake, lizard
Serpentes of the families Pythonidae and Boidae	boa, python
Viverridae	civet, mongoose

SCHEDULE 'B' TO BY-LAW 125-95

<u>Class of Animal</u>	<u>Common Name</u>
	Set out in this column are <u>some</u> of the names of animals included in the classes of animals referred to in the opposite column of this schedule. The common names are provided for illustration purposes only and are not intended to limit the extent of the classes of animals referred to.
Arthropods of the classes Arachnid, Chilopoda and Diplopoda	scorpion, spider, centipede, millipede
Arthropods of the class Insecta and order Coleoptera	beetles
Artiodactyl Ungulates	camel
Columbidae, unless kept for racing or show purposes only	pigeon
Canidae, other than canis familiaris	wolf, jackal, fox
Chiropterae	bat
Crocodylidae	alligator, crocodile
Edentates	anteater, armadillo, sloth
Elephants	elephant
Felids, other than felis catus	leopard, lion, lynx, panther, puma
Hyanenidae	hyena
Marsupialia	bandicoot, kangaroo, opossum, wombat
Mustelidae	marten, polecat, weasel (Note: for the purposes of this schedule, mustelidae does not include mink, ferrets, or chinchilla)
Perissodactyl Ungulates	tapir
Pinnipediae	seal, walrus
Primata, other than man	ape, lemur, monkey
Procyonidae	coati, raccoon
Raptors	eagle, hawk, owl, vulture
Ratitae	cassowary, ostrich
Ursidae	bear
Venomous Reptilia	venomous snake, lizard
Serpentes of the families Pythonidae and Boidae	boa, python
Viverridae	civet, mongoose