

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2023-33

BEING A BY-LAW TO PROVIDE FOR THE CARE, RESTRICTION, REGULATION, AND PROHIBITION OF VARIOUS ANIMALS WITHIN THE TOWNSHIP OF SEVERN

WHEREAS the *Municipal Act, S.O. 2001, c.25, s.11 (9) (the Act)*, provides that a municipality may pass by-laws respecting animals;

AND WHEREAS it is deemed expedient to ensure the adequate and appropriate care of animals to meet their needs;

AND WHEREAS the Council of the Corporation of the Township of Severn deems it expedient to regulate and prohibit the keeping of certain kinds of animals within residential areas of the Township of Severn;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

- 1.1 **“Animal”** shall mean any member of the animal kingdom, other than human and dog.
- 1.2 **“Animal Control Officer”** shall mean an Animal Control Officer and/or Municipal Law Enforcement Officer appointed by the Corporation of the Township of Severn or under contract to the Township of Severn.
- 1.3 **“Animal Sanctuary”**- shall mean facilities that rescue and care for orphaned, injured or neglected animals, including farm animals and wildlife
- 1.4 **“Critical Distress”** means distress that requires immediate intervention in order to prevent serious injury or to preserve life;
- 1.5 **“Distress”** shall mean the state of being in need or appearing to be in need of proper care, water, food, or shelter, (b) being or appearing to be injured, sick, in pain, or suffering or (c) abused or subject to undue physical or psychological hardship, privation or neglect.
- 1.6 **“Domestic Farm Animal”** shall mean and include but not limited to horses, cows, oxen, pigs, goats, sheep, llamas, alpaca and donkeys.
- 1.7 **“Domestic Fowl”** shall mean and include but not limited to geese, ducks, turkeys and any other poultry and the young of any of them.
- 1.8 **“Keep”** shall mean having the care, custody, control or possession of an animal.
- 1.9 **“Municipal Law Enforcement Officer”** shall mean an Enforcement Officer appointed by the Corporation of the Township of Severn.
- 1.10 **“Owner”** shall mean a person who:
 - i. Has the care, charge, custody or control of an animal;
 - ii. Owns or who claims proprietary interest in an animal; or
 - iii. Harbours, suffers or permits an animal to be present on any property owned, occupied or leased by him/her or which is otherwise under his/her control.

1.11 **“Person”** shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representative of a person to whom the context can apply, according to the law.

1.12 **“Service Animal”** an animal is a service animal for a person with a disability if:

- i. The animal can be readily identified as one that is being used by the person for reasons relating to the person’s disability as a result of visual indicators such as the vest or harness worn by the animal; or
- ii. The person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
 - a) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
 - b) A member of the College of the Chiropractors of Ontario.
 - c) A member of the College of Nurses of Ontario.
 - d) A member of the College of Occupational Therapists of Ontario.
 - e) A member of the College of Optometrists of Ontario.
 - f) A member of the College of Physicians and Surgeons of Ontario.
 - g) A member of the College of Physiotherapists of Ontario.
 - h) A member of the College of Psychologists of Ontario.
 - i) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario. O. Reg. 165/16, s. 16.

1.13 **“Venomous”** and **“Poisonous”** shall be refer to animals producing toxic substances that are medically significant to humans.

1.14 **“Wildlife Conservation Centre”** shall be defined as a provincially licensed facility providing permanent sanctuary to non-releasable Ontario wildlife and providing education to the general public. Educational uses include Private Guided Tours, Special Events, Photography programs and On-site Filming.

2. Prohibition

2.1 For the purpose of this By-law, this by-law does not apply to domestic dogs as covered under By-law 2020-62 Regulate Dogs and Kennels.

2.2 Except as provided in Section 12 of this By-law, no person shall keep, harbour, sell, or show any animal as listed in Schedule “A” of this By-law anywhere within the Township of Severn.

2.3 No person who operates a business within the Township of Severn that includes the sale of pets, shall possess, keep, sell, or make available any animal listed in Schedule “A” of this By-law.

2.4 No person shall possess or harbour any domestic farm animal or domestic fowl within the Township of Severn, save and except in or upon lands located within the Rural (RU), and Agricultural (AG), Greenlands (GL) Zones as defined in the Township of Severn’s Zoning By-law.

2.5 Animals listed in Schedule "A" of this By-law are permitted to be displayed or exhibited at an organized public event or competition if it is a permitted use of the event's property/location as per the Township of Severn Zoning By-law and which event is operated in accordance with any other municipal, provincial, or federal legislation or regulation.

3. Chickens

3.1 The keeping of chickens shall be allowed in residential zones of the Township of Severn, subject to the following provisions and every person shall comply with the following requirements:

- i. No person shall own more than a maximum of twelve (12) chickens per property.
- ii. No person shall retain more than a maximum of twelve (12) chickens within four weeks of a hatching period.
- iii. No person shall own roosters which are prohibited at all times.
- iv. No person shall allow the chickens to free range on the property and the chickens shall be kept in a suitable hen coop at all times.
- v. All hen coops shall contain an enclosed roof structure and shall be no greater than 3x3 metres and no greater than 4.5 metres in height.

3.2 The following lot size and setbacks for hen coops shall apply to residential zones and every person shall comply with these requirements:

- i. Minimum of .25 acres lot size;
- ii. 3 metres from the side lot line and at least 1.2 metres from the rear lot line;
- iii. At least 3 metres from abutting dwellings;
- iv. At least 7.5 metres from any church or school;
- v. Shall only be located behind the front wall(s) of the principal dwelling, as defined by the Zoning By-law.

3.3 Every person shall ensure that all deceased backyard chickens are disposed of promptly through the services of a veterinarian, at a livestock disposal facility or through a facility approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all applicable laws.

4. Rabbits

4.1 No person shall keep or possess more than five(5) rabbits in a residential zone.

4.2 If outdoor shelter is to be provided for the rabbits, every person shall comply with the following requirements for lot size and setbacks for outdoor shelters which shall apply to residential zones:

- i. Minimum of .25 acres lot size;
- ii. 3 metres from the side lot line and at least 1.2 metres from the rear lot line;
- iii. At least 3 metres from abutting dwellings;
- iv. At least 7.5 metres from any church or school;
- v. Shall only be located behind the front wall(s) of the principal dwelling, as defined by the Zoning By-law.

5. Appropriate Care & Control

- 5.1 Every person who keeps an animal shall provide an animal with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as may be required to meet the needs of the species.
- 5.2 Every person who keeps an animal shall ensure they have proper control of the animal so that the animal is confined to the property and not running at large.
6. Care - Outdoors
 - 6.1 No person shall fail to provide for the animal's use a structurally sound weather-proof, insulated enclosure of appropriate size and dimension, if an animal is customarily kept outdoors.
7. Tethered
 - 7.1 Every person shall ensure that a tethered animal has unrestricted movement of a length not less than 3 metres at all times and that the animal cannot suffer injury resulting from the tethering.
 - 7.2 No person shall cause any Animal to be hitched, tied or fastened to a fixed object where a choke collar, choke chain, pinch collar, prong collar, slip collar, head halter collar, or martingale collars forms part of the securing apparatus, or where a rope or cord is tied directly around the Animal's neck.
8. Sanitary Conditions
 - 8.1 Every person, having custody and control of an animal, including a feline shall keep the animal in sanitary conditions. This includes but is not limited to the accumulations of fecal matter, offensive odour, which may endanger the health of any person or animal, or which disturbs or is likely to disturb the enjoyment and comfort of neighbouring persons.
9. Confined in Vehicle
 - 9.1 No person shall cause, permit, or allow an animal to be confined in a vehicle without appropriate ventilation.
 - 9.2 A Provincial Animal Welfare Inspector or a member of the Ontario Provincial Police, who has reasonable ground to believe that there is an animal in critical distress in a motor vehicle may enter the motor vehicle for the purpose of relieving the animal from distress.
10. Torment
 - 10.1 No person shall torment, annoy, tease, abuse or injure any animal.
11. Set Free
 - 11.1 No person shall unleash, loosen or otherwise free an animal which is not in distress unless such person has authorization of the owner.
12. Exemptions
 - 12.1 It is permissible to keep, harbour, sell, or show any animal of the kind listed in Schedule "A" of this By-law in the following places or circumstances:
 - i. A animal sanctuary.

- ii. Wildlife Conservation Centre
- iii. A veterinary hospital under the care of a licensed veterinarian.
- iv. For the purpose of bona-fide educational programs where the Township of Severn Zoning By-law permits such use.
- v. Anyone holding a license or permit issued by the Province of Ontario, or the Government of Canada, which permits the keeping of animals under stated conditions.
- vi. Any premises owned or operated by the Ontario Society for the Prevention of Cruelty to Animals or Provincial Animal Welfare Service.

12.2 The Clerk of the Township of Severn may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this By-law.

12.3 Any farmer carrying out farming operations involving farm-type livestock animals as per Schedule "B" where the Township of Severn Zoning By-law permits such use.

13. Details of Application for Exemption under Schedule "A"

13.1 The application for exemption referred to in subsection shall be made in writing and, without limitation, shall include:

- i. The name and address of the applicant;
- ii. Description of animals that the exemption is being requested for;
- iii. Description of property;
- iv. The reason why the exemption should be granted if applicable; and
- v. Any additional information as deemed necessary by the Clerk or CAO to consider the application made under this section.

13.2 Granted exemptions shall be lifetime as long ownership does not change, the type of animal remains the same and the zoning for the property remains unchanged.

13.3 The Township of Severn reserves the right to revoke an exemption at anytime.

14. Entry and Inspection

14.1 A Municipal Law Enforcement Officer or their designate, a member of the Ontario Provincial Police, a Provincial Animal Welfare Inspector may at any time, enter onto a property of determining compliance with this By-law.

14.2 Every person shall permit a Municipal Law Enforcement Officer or their designate, a member of the Ontario Provincial Police, a Provincial Animal Welfare Inspector to enter and inspect any land for the purpose of determining compliance of this By-law.

15. Obstruction

15.1 Every person who has been alleged to have contravened this By-law, shall identify themselves to a Municipal Law Enforcement Officer.

15.2 Every person who contravenes the provisions of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by the corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

16. Enforcement

16.1 The provisions of this By-law shall be enforced by the Provincial Animal Welfare Service or a Municipal Law Enforcement Officer or anyone under contract to the Township of Severn for animal control services.

16.2 Every person who contravenes the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the Provincial Offences Act.

17. Penalties

17.1 Every person who contravenes the provisions of this By-law and every director or officer of a corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act 2001, S.O. 2001, c. 25*, as amended.

17.2 For the purpose of continuous offences, every person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a By-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

17.3 For the purpose of multiple offences, every person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a By-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

17.4 Every person who fails to comply with a notice made under this By-law is guilty of an offence.

17.5 It shall be an offence for a person to hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this bylaw.

17.6 Any person who has been alleged to have contravened any of the provisions of this By-law passed under the *Municipal Act, 2001*, as amended shall identify themselves to the Officer upon request. Failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of the Officer's duties.

17.7 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

17.8 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

18. Validity & Severability

18.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-law be declared by a court of competent jurisdiction to be invalid. Illegal or ultra vires for any other reason, all other provisions of this By-law shall remain and continue in full force and effect and shall remain valid and binding.

19. Repeal

19.1 That By-laws No. 2004-57, 2006-36, 2009-83 and 2013-08 be hereby repealed.

20. Force and Effect

20.1 That this By-law shall come into force and effect on the date of passing thereof.

By-law read a first, second, third time and finally passed this 6th day of December, 2023.

CORPORATION OF THE TOWNSHIP OF SEVERN

MAYOR

CLERK

Schedule "A" to By-law No. 2023-33

Prohibited Animals:

1. All Canidae (such as Coyotes, Wolves, Foxes) except Domestic Dogs.
2. All Non-Human Primates (such as Monkeys, Apes, Chimpanzees, Lemurs)
3. All Marsupial (Such as Kangaroos, Opossums, Koala, Cusus) except Sugar Gliders derived from a self-sustaining captive population.
4. All Felidae (such as Lion, Tiger, Leopard, Panther, Lynx) except Domestic Cat.
5. All Mustelidae (such as Weasels, Ferret, Wolverine, Mink, Badger, Skunk, Otter) except Domestic Ferret.
6. All Ursidae (such as Bear, Panda)
7. All Procyonidae (such as Racoon, Coatimundi, Cacomistles)
8. All Perissodactyl (such as Zebra, Tapir, Rhinoceros) except domestic livestock such as Horse, Donkey, Mule
9. All Artiodactyl (such as Hippopotamus, Giraffe) except domestic livestock such as Pig, Cattle, Sheep, Goat.
10. All Edentate (such as Anteaters, sloths, Armadillos)
11. All Proboscidea (Such as Elephants)
12. All Erinacidae except the African Pigmy Hedgehog
13. All Viverridae (such as Mongoose, Civet, Genet)
14. All Chiroptera (such as Bats)
15. All Crocodylian (such as Crocodiles, Alligators, Caimans, Gavials)
16. All Chelydridae (such as Snapping Turtles)
17. All snakes which reach an adult size of more than 3 metres in length from tip of snout to the tip of the tail or which routinely exceed 3 metres in length.
18. All lizards which reach an adult size of more than 2 metres in length from tip of snout to the tip of the tail or which routinely exceed 2 metres in length.
19. All Ratite Birds (such as Cassowaries) except Rhea or Ostrich
20. All Venomous and poisonous animals except new world tarantula
21. All Rodentia (such as Porcupine, Squirrel, Beaver, Woodchuck) except rodents which do not exceed 1,500 grams and are derived from self-sustaining captive population.
22. All Hyaenidae (such as Hyenas)
23. All Falconiformes (such as Hawks, Eagles, Kites, harries, Osprey)
24. All Strigiformes (such as Owls, Vultures, Buzzards)
25. All Cetacea (such as Whales and Dolphins)
26. All Pinnipedia (such as Seals and Sea Lions)
27. All Trichechidae (such as Manatee and Dugong)
28. Cartilaginous fish of the subdivision Selachii- modern sharks, such as reef and dogfish sharks
29. Invasive fish species such as the Northern snakehead and Asiatic carp

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

Schedule "B" to By-law No. 2023-33

Farm-Related Animals

1. Those Anseriformes such as Geese, Swans, Ducks
2. Those Artiodactyla such as Cows, Bulls, Oxen, Bison, Sheep, Goats
3. Those Equidae such as Horses, Donkeys, Mules
4. Those Columbiforms such as Pigeons, Doves
5. Those Galliformes such as Grouse, Peacock, Chickens, Pheasants, Turkeys
6. Those Suidae such as Pigs, Boars
7. Those Lagomorpha such as Rabbit, Hare, or Domestic Rabbits
8. Those Struthioniformes such as Ostrich or Emus
9. Those Austroargiolestes such as Elk
10. Those Camelida such as Camel, Alpaca, Llama