

**THE CORPORATION TOWN OF MATTAWA**

**COMMITTEE: BY-LAW DEPARTMENT**

**CHAIRPERSON: COUNCILLOR G. LAROSE**

**DEPT. HEAD: WAYNE CHAPUT**

**TITLE: REGULATE, PROHIBIT AND RESTRICT KEEPING OF CERTAIN KINDS OF ANIMALS**

       Draft By-law                        X   Item                             Policy Recommendation

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**Mayor D. Backer and Members of Council:**

Complaints from town and area residents concerning exotic animals have been received by all municipal departments. More specifically, these concerns are about an individual walking around town and attending local businesses with a very large snake in his possession.

Mayor and Council have shown its support towards the development of a By-law which would regulate animals within the boundaries of the Town of Mattawa. After many discussions Council has decided to allow certain animals but with restrictions. The attached By-law provides details on which animals are prohibited and restricted and also restricts the number of animals that are permitted.

**Recommendation:**

It is recommended that the Mayor and Council of the Corporation of the Town of Mattawa adopt By-Law No.17-17 which is a By-law that will regulate, prohibit and restrict the Keeping of Certain Kinds of animals within the boundaries of the Town of Mattawa.

Respectfully submitted

Councilor G. Larose

**THE CORPORATION OF THE TOWN OF MATTAWA  
BY-LAW NUMBER 17-17**

**A BY-LAW TO PROVIDE FOR THE CONTROL OF ANIMALS WITHIN THE TOWN OF MATTAWA.**

**WHEREAS** The Municipal Act, R.S.O., 2001, c. 25, as amended, section 10 authorizes a municipality to pass by-laws respecting matters within the jurisdiction of animals;

**AND WHEREAS** The Municipal Act, R.S.O., 2001 section 103 authorizes the Council of a municipality to pass by-laws regulating or prohibiting with respect to the being at large or trespassing of and control of animals in the municipality;

**AND WHEREAS** the Council for the Corporation of the Town of Mattawa deems it desirable, for the protection of the public and in the public interest to pass a by-law to prohibit the keeping of certain classes of animals within the limits of the Corporation of the Town of Mattawa;

**THEREFORE THE CORPORATION OF THE TOWN OF MATTAWA ENACTS AS FOLLOWS:**

1. In this By-law:

"Animal" means an animal set out in the Schedules;

"Animal Control Officer" means a person, servant or agent appointed by the Town of Mattawa to enforce this by-law and includes any Police Officer of Ontario and By-Law Enforcement Officer and any servant or agent of same;

"Clerk" means the Clerk of the Municipality;

"Council" means the Council of the Municipality;

"Domestic Farm Animal" means a horse, donkey, pony, mule, cow, bull, goat, pig, sheep, mink, chinchilla, pot belly pig, other types of pig, fox, nutria, buffalo, elk, and emu, ostrich, rhea, cassowary; swan and screamer;

"dwelling unit" means one room or a group of rooms, occupied or capable of being occupied as the home or residence of one or more persons, and containing only one kitchen or other facility for the preparation of meals;

"Forms" means the forms attached to this by-law which may be amended, added to or deleted from time to time and which Forms shall form part of this by-law;

"Municipality" means The Corporation of the Town of Mattawa;

"owner" includes a person who possess or harbours an animal and "owns" has a corresponding meaning;

"Poultry and Fowl" means chickens, geese, ducks, turkeys, pheasants, grouse, guinea fowl, pea fowl and the young of any of them and includes game birds where the game birds are kept pursuant to a licence under The Game and Fish Act, or the Migratory Bird Convention Act (Canada), or any successor legislation;

"prohibited animal" means any animal or animals of any class and classes listed on Schedule "C2" attached to and forming part of this By-law;

"public place" includes a highway, public park and other municipal property;

"restricted animal" means any animal or animals of any class and classes listed on Schedule "C2" attached to and forming part of this By-law;

"Schedules" mean the schedules attached to this by-law which may be amended, added to or deleted from time-to-time and which Schedules shall form part of this by-law;

"Town Limits" means the geographical boundary of the Town of Mattawa as outlined in Schedule "F"

2. Those animals in the municipality which are prohibited or regulated in this By-Law are set out in the Schedules attached to this By-law.
3. In the event of any conflict between the provisions of this By-law and any other general or special by-law, the provisions of this By-law shall prevail.
4. The Animal Control Officers shall administer and enforce this by-law.
6. Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the Provincial Offences Act.
7. The court in which the conviction has been entered and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.
8. If a court of competent jurisdiction should declare any section of this By-law or part thereof, or any provision in the Schedules or Forms to be invalid, such section, part or provision in the Schedules shall not be construed as having influenced Council to pass the remainder of the By-law or the provision in the Schedules, and it is hereby declared that the impugned section or provision in the Schedules shall be severable and distinct from the remainder of this By-law or Schedules and the remainder of the By-Law or Schedules shall be valid and shall remain in force.
9. The short title of this By-Law is the *Animal Control By-Law*.

READ a first and second time this 23<sup>rd</sup> day of May, 2017.

READ a third time and finally passed this 23<sup>rd</sup> day of May, 2017.



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Mayor



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Clerk

**SCHEDULE "A"**  
**DOGS**

1. No owner shall keep more than three (3) dogs in or about any dwelling unit.
2. Notwithstanding section 1 of this Schedule, every owner who owns more than three (3) dogs at the date of passage of this By-law, may be permitted to keep the dogs on condition that the dogs are registered in accordance with section 3 of this Schedule.
3. Within ninety days of the passage of this By-law, every owner who wishes to keep more than three (3) dogs in or about a dwelling unit shall fully complete the form attached to this By-law as Form 1, failing which the Clerk shall refuse to register the dogs.
4. Every owner who successfully registers dogs pursuant to section 3 of this Schedule shall be entitled to keep the dogs until the dogs die or are otherwise disposed of but otherwise shall be in full compliance with respect to the maximum number of dogs that an owner is entitled to keep in or about a dwelling unit.
5. All registrations for dogs in accordance with this Schedule are non-transferable.

**SCHEDULE "B"**  
**CATS**

1. In this Schedule;  
  
"being at large" means to be found in any place other than the property of the owner of the cat and causing damage to property other than the property of the cat, and "be at large" has a corresponding meaning.
2. This Schedule applies to all owners of cats in the Municipality who reside within the Town limits.
3. No owner shall allow or permit his or her cat to be at large.
4. (1) No owner of a cat shall allow or permit the cat to defecate or urinate on or in the following places:
  - (a) Private property, other than the property of the owner; or
  - (b) In any public place
5. No owner shall keep more than three cats in or about any dwelling unit except that any owner who, on the date of passage of this By-law, was lawfully keeping more than three cats may keep those cats until they have died or are otherwise disposed of.
6. Where a cat is impounded, the owner shall pay the same expenses incurred as when a dog is impounded as per section 7 of By-law # 08-21.
7. (1) Every owner shall claim the cat within five days of the day on which the Cat was impounded, excluding the day of impounding, Sundays and statutory holidays.  
  
(2) Where a cat is not claimed by its owner in accordance with subsection (1), the cat may be adopted forthwith or disposed of or killed in a humane manner.



**SCHEDULE "C1"**  
**PROHIBITED ANIMALS**

1. In this Schedule:

"prohibited animal" means any animal or animals of any class and classes listed on Schedule "C2" attached to and forming part of this By-law;

"restricted animal" means any animal or animals of any class and classes listed on Schedule "C2" attached to and forming part of this By-law;

2. No owner shall possess, keep or raise any prohibited animal identified under Schedule "C2" to this by-law on any public place, lot or in any dwelling or structure on such lot within the Town limits.

3. Section 2 does not apply to the following EXEMPTIONS:

(a) on the premises of a park, zoo or animal display operated by, or on behalf of the Municipality provided that Council has given its prior approval for the lands and premises to be used for such circumstances as circuses or similar exhibition or display of prohibited animals;

(b) premises which are temporarily used for travelling shows such as a circus or other like shows provided that Council has given its prior approval for the lands and premises to be used for such circumstances as circuses or similar exhibition or display of prohibited animals;

(c) a veterinary hospital under the care of a licensed veterinarian;

**RESTRICTED ANIMALS**

4. No owner shall possess, keep or raise any restricted animal identified under Schedule "C2" to this By-Law unless the animal is registered with the Town office immediately upon entering town limits and must also notify when restricted animal is no longer within town limits.

5. In the event of escape or loss of the restricted animal the By-Law Enforcement Officer must be notified immediately. Loss of any restricted animal will result in confiscation of said restricted animal when found and the owner will be banned from keeping or possessing of any restricted animal within the town limits. All expenses occurred while trying to locate this animal will be the responsibility of the animal owner.

6. The restricted animal must be kept in a secure appropriate enclosure at all times inside a dwelling.

7. When the restricted animal is transported into or out of town limits it must be in an approved secure cage or enclosure out of public view.

## SCHEDULE "C2"

1. The following list of animal classes shall be considered PROHIBITED animals:

### PROHIBITED:

- (a) All MARSUPIALS (such as Kangaroos and Opossums)
- (b) All NON-HUMAN PRIMATES (such as Gorillas and Monkeys)
- (c) All FELIDAE (such as lions, tigers, and cougars), except the domestic cat
- (d) All CANIDAE (such as wolves and coyotes), except the domestic dog
- (e) All VIVERRIDS (such as Mongooses, Civets and Genets)
- (f) All MUSTELIDAE (such as Skunks, Weasels, Otters, Badgers except the domestic Ferret)
- (g) All URSIDAE (Bears)
- (h) All ARTIODACTYLUS UNGULATES
- (i) All PROCYONIDAE (such as Racoons, Coatis and Cacomistles)
- (j) All HYAENIDAE (Hyenas)
- (k) All PERISSODACTYLOUS UNGULATES
- (l) All ELEPHANTIDAE (Elephants)
- (m) All PINNIPEDS (such as Seals, Fur Seals and Walruses)
- (n) All ERINACIDAE (except the African pigmy hedgehog)
- (o) All VENOMOUS REPTILES
- (p) All RAPTORS, DIURNAL AND NOCTURNAL (such as Eagles, Hawks and Owls)
- (q) All RATITES (such as Ostriches, Rheas and Cassowaries)
- (r) All EDENTATES (such as Anteaters, Sloths and Armadillos)
- (s) All PTEROPODIDAE (Bats)
- (t) All CROCODILIANS (such as Alligators and Crocodiles)
- (u) All VENOMOUS ARACHNIDS (such as spiders, scorpions and tarantulas)

2. The following list of animal classes shall be considered restricted animals:

### RESTRICTED:

- (a) All snakes of the families *Pythonidae* and *Boidae* (such as pythons and boa constrictors)
- (b) Non venomous lizards;

3. Examples of animals of a particular class are given in parentheses and are examples only and shall not be construed as limiting the generality of the class.



**SCHEDULE "D"**  
**DOMESTIC FARM ANIMALS**

1. In this Schedule:

"Domestic Farm Animal" means a horse, donkey, pony, mule, cow, bull, goat, pig, sheep, mink, chinchilla, pot belly pig, other types of pig, fox, nutria, buffalo, elk, and emu, ostrich, rhea, cassowary; swan and screamer attached to and forming part of this By-law;

2. No owner shall keep a domestic farm animal within the Town limits.

## SCHEDULE "E" CHICKENS

1. In this Schedule:  
"being at large" means to be found in any place other than the property of the owner of the chicken and "be at large" has a corresponding meaning.
2. No owner shall allow or permit his or her chicken to be at large.
3. No person on any land of which he/she is not the registered owner, shall not be allowed chickens without the written permission of the registered owner;
4. **No person shall keep a rooster within the Town of Mattawa Area Boundary as outlined in Schedule "F".**
5. The total number of chickens permitted within the Town of Mattawa Area Boundary shall be as follows;  
On and after May 23, 2017: maximum 5 chickens
6. Every owner shall fully complete the registration, form 2, attached to this By-law along with a diagram showing the distances from property lines of where the chicken coop is located in the rear yard, failing which the clerk shall refuse to register the chicken coop.
7. All chicken coops shall be located only in the rear yard and must fully enclose the chickens and prevent them from escaping.
8. The chicken coop shall be designed and constructed to ensure proper ventilation and sufficient space for the chickens and maintained in accordance with good animal husbandry practices and shall keep all vermin out.
9. All dead chickens must be disposed of immediately and in any event, within 24 hours.
10. There must be hygienic storage of and prompt removal of chicken feces.
11. The chicken's food supply must be protected against vermin.
12. All lots housing chickens must have:
  - (1) detached dwellings on them;
  - (2) a frontage of at least 66 feet; and,
  - (3) a depth of at least 165 feet.
13. (1) The chicken coop shall be located at least 25 feet from the rear lot line of the lot on which the chicken coop is located.  
  
(2) The chicken coop shall be located at least 15 feet from any side lot line of the lot on which the chicken coop is located.

### EXEMPTION

Every owner who is in possession of chickens at the date of passage of this By-law, but does not comply with section 5 or 12 of this schedule is permitted to keep the chickens provided that:

- i. The chickens are registered in accordance with section 6 of this Schedule within ninety (90) days of the date that the By-Law comes into force.
- ii. The burden of proving the exemption is upon the person making the assertion, of which written notice to the town as provided in subsection i shall be sufficient proof.
- iv. The exemption is for the life of the chickens and cannot be used for breeding purposes.



**FORM 1**

**REGISTRATION OF DOGS EXCEEDING MAXIMUM NUMBER**

1. Name of owner of dogs:

\_\_\_\_\_

2. Address of owner of dogs:

\_\_\_\_\_

3. Number of dogs: \_\_\_\_

<b>Name of Dog</b>	<b>Breed of Dog</b>	<b>Colour of Dog</b>	<b>Age of Dog</b>

4. I enclose a colour photograph that truly depicts the dogs registered by this form.

I certify that the above information provided is true.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

**FORM 2**

**REGISTRATION OF CHICKENS AND CHICKEN COOP**

1. Name of owner of chicken coop:

\_\_\_\_\_

2. Address of owner of chicken coop:

\_\_\_\_\_

3. Size of lot:

\_\_\_\_\_

4. Number of chickens: \_\_\_\_\_

5. I enclose a survey or diagram of property with rear and side yard distances of chicken coop from property lines.

I certify that the above information provided is true.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date