



THE CORPORATION OF THE TOWN OF INGERSOLL

BY-LAW 01-3990

Being a by-law to respecting animals

WHEREAS paragraph 1 Section 210 of the Municipal Act, 1990 c. M45, as amended, authorizes a municipality to pass by-laws respecting animals and birds;

AND WHEREAS paragraph 2 of Section 210 of the said Act provides for the regulating of establishments for the breeding or boarding of animals or any class thereof, within the municipality or defined area thereof;

AND WHEREAS paragraph 4 of Section 210 of the said Act provides for the prohibiting and regulating within any part or defined area of a municipality or upon any highway therein, the being at large or trespassing of animals, other than dogs, and 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;

NOW THEREFORE the Municipal Council of the Town of Ingersoll enacts as follows:

**SHORT TITLE
ANIMAL CONTROL BY-LAW**

**Part 1
DEFINITIONS**

1.1 Definitions

In this by-law:

Animal - defined

"animal" includes birds, cats and reptiles but does not include fish or dogs.

Animal Control Officer - defined

"Animal Control Officer" shall mean a person appointed by the Municipality whose duties include the administration and enforcement of this by-law.

Dwelling unit - defined

"Dwelling unit" shall mean a single room or series of rooms of complementary use which are located in a building in which food preparations, eating, living, sleeping and sanitary-facilities are provided for the exclusive use of the occupants thereof; which has a private entrance directly from the outside the building or from a common hallway or stairway inside the building; and in which all occupants have access to all the habitable areas and facilities of the unit.

Keeps - defined

"Keeps" shall mean owns, possesses or harbours.

Municipality - defined

"Municipality" shall mean the Corporation of the Town of Ingersoll.

Owner - defined

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

Council - defined

"Council" shall mean the Council for the Corporation of the Town of Ingersoll.

Cat - defined

"Cat" shall mean a feline of the species *Felis catus*.

Person - defined

"Person" shall include any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.

Pet Shop - defined

"Pet Shop" shall mean an establishment engaged in the sale of animals.

Pet Shop Keeper - defined

"Pet Shop Keeper" shall mean a person who has the charge, care or ownership of a pet shop.

Pound - defined

"Pound" means premises, regulated under the Animals for Research Act, that are used for the confinement maintenance or disposal of animals.

Premises - defined

"Premises" includes the entire lot on which a building is situated.

Running at large - defined

"Running at large" shall mean to be found in any place other than the premises of the owner of the animal.

**PART 2
EXEMPTIONS**

2.1 This by-law shall not apply to:

Animal Hospital - Clinic

An animal hospital or clinic lawfully operated and supervised by a veterinarian who is a registered member of the Ontario Veterinary Association.

Ontario Society for the Prevention of Cruelty to Animals (OSPCA)

The OSPCA

Pound

A pound

Zoos- fair exhibitions - circuses - authorized

Animals maintained in a zoo, fair, exhibition of circus operated or licensed by a municipal or other governmental authority.

**PART 3
GENERAL MATTERS**

3.1 Animal -- running at large

No person shall permit any animal to run at large.

3.2 Pet Shops -- keep prohibited animal

No pet shop keeper shall keep or permit to be kept in any pet shop, an animal of a class, the keeping of which is prohibited by this by-law.

**PART 4
CLASSES OF ANIMALS**

4.1 Class 1 Animal

a) "Class 1 Animal" shall mean horse, cow, mule, donkey, pony, goat and swine (pig) of all species including hybrids, pony and sheep

4.2 Class 2 Animal

"Class 2 Animal" shall mean chicken, goose, turkey, duck, and any domestic fowl.

4.3 Class 3 Animal

"Class 3 Animal shall mean homing, pouter, racing or tumbler pigeons.

4.4 Class 4 Animal

"Class 4 Animal" shall mean domestic cat, guinea pig, gerbil, hamster, mouse, rat, rabbit, chinchilla, ferret and turtle.

4.5 Class 5 Animal

"Class 5 Animal" shall mean non-venomous snakes, non-venomous lizards and non-venomous spiders.

4.6 Class 6 Animal

"Class 6 Animal" shall mean domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, conures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, arcaris, pied hornbells and cock-of-the-rocks.

4.7 Class 7 Animal

"Class 7 Animal" shall mean any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, mink, wolf, coyote, crocodile, alligator, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, raccoon, venomous lizard, venomous snake, venomous spider, all birds the keeping of which is prohibited in the Migratory Birds Convention Act, S. C. 1985, C.M-7, and regulations thereto and all animals the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997 and regulations thereto.

PART 5 PROHIBITED MATTERS

5.1 Animals - keeping - more than 2 per dwelling

No person shall keep more than two (2) animals in a dwelling unit or on any premises.

5.2 Class 1 - keeping - within Town

No person shall keep a class 1 animal within the municipal boundaries in any shed, barn, stable, building, yard or enclosure, the outer limits of which are within two hundred (200) feet from any school, church, dwelling or other premises used for human habitation or occupancy, other than premises occupied exclusively by the keeper of such building or structure or members of his immediate family.

5.3 Class 2 - keeping within Town

No person shall keep a class 2 animal within the municipal boundaries of the Town of Ingersoll.

5.4 Class 3 - keeping within Town

No person shall keep a class 3 animal within the municipal boundaries of the Town of Ingersoll.

5.5 Class 7 - keeping within Town

No person shall keep a class 7 animal within the municipal boundaries of the Town of Ingersoll.

5.6 Animal - running at large

No person shall permit any animal to run at large.

5.7 Trespassing - by animal

No person shall permit any animal to trespass on any property.

5.8 Food - storage - failure to use rodent-proof container

No person shall fail to keep feed or animal food in a rodent-proof container.

5.9 Keeping - animal - not permitted by statute

Notwithstanding any of the provisions of this by-law, no person shall keep any animal, the keeping of which is not permitted under any statute of Ontario or Canada.

5.10 Pet shops - keep prohibited animal

No pet shop keeper shall keep or permit to be kept in any pet shop, an animal of a class, the keeping of which is prohibited by this by-law.

**Part 6
CLASS 1 ANIMALS**

6.1 Keeping - within Town -

The keeping of Class 1 animals within the municipal boundaries are permitted provided all requirements set out in sections 6.2 to 6.9 inclusive of this by-law are complied with.

6.2 Keeping -in building - stable - required

All Class 1 animals shall be kept in a building or stable.

6.3 Building - stable - minimum distance - other premises

Such building or stable as required under section 6.2 of this by-law shall be no less than 90 metres (295.3 feet) from any school, church, public hall, store, dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animal or members of his immediate family.

6.4 Floor - impervious - gutters - drainage

The floor of such building or stable, as required under section 6.2 of this by-law, shall be of durable material, impervious to moisture, so laid and provided with gutters that drainage is effected into a sewer provided that a wooden platform above such flooring is permitted if an air space of at least 5 centimetres (1.97 inches) is provided above the floor.

6.5 Drainage - sanitary wastes - requirements

Where a sanitary sewer is not available, provision for drainage of sanitary wastes shall be made in accordance with the requirements of any applicable laws of the Province of Ontario and the regulations made thereunder.

6.6 Doors - windows - openings - screened

All doors, windows and openings of such building or stable as required under section 6.2 of this by-law shall, at all times between the first day of April and the thirtieth day of November following in each year, be kept protected by screens effective against flies and small insects.

6.7 Manure - collected - deposited - receptacle - promptly

All manure shall be promptly collected and deposited in a manure receptacle of adequate size which shall be provided and constructed as set out in sections 6.8 and 6.9 of this by-law.

6.8 Yards - kept cleaned - deodorized - at all times

Such building or stable as required under section 6.2 of this by-law, together with any yard less than 200 square metres (2,152.8 square feet) in which the animals are allowed to run, shall be kept at all times free from manure and other refuse and shall be properly cleaned or dug up and deodorized by means of chloride of lime or other suitable deodorant permitted by the laws of the Province of Ontario and the regulations made thereunder.

6.9 Food - feed - storage - rodent-proof containers

All feed or other animal food shall be kept in rodent-proof containers.

**Part 7
CLASS 2 ANIMALS**

7.1 Keeping - within Town - prohibited

The keeping of Class 2 animals within the municipal boundaries of the Town of Ingersoll is prohibited.

7.2 Keeping - prior to enactment - continuation - permitted

Section 7.1 of this by-law does not apply to those persons legally keeping Class 2 animals at the passage of this by-law provided that such persons comply with the requirements set out in sections 7.3 to 7.8 inclusive of this by-law.

7.3 Keeping - in building - structure - yard - coop - other

All Class 2 animals shall be kept in a building, structure, yard, coop, pen or run.

7.4 Structure - distance - from other premises

Every such building as required under section 7.3 of this by-law (other than a dwelling), structure, coop, pen or run in which any animal, bird or fowl is confined, kept or allowed to run, shall be no less than 90 metres (295.3 feet) from any school, church, public hall, or store, dwelling or premises used for human habitation or occupancy other than premises occupied exclusively by the owner or keeper of such animals, birds or fowls or members of his immediate family.

7.5 Walls - lime-washed - painted - annually

The inside walls of such building as required under section 7.3 of this by-law (other than a dwelling), structure, coop- pens or run shall be lime-washed or painted at least once a year.

7.6 Runs - outside - dug promptly - prevention of odours

All runs and outside areas of confinement shall be dug promptly as required to effectively prevent odours arising therefrom.

7.7 Refuse - removal - prevention of odours

All refuse resulting from the keeping of class 2 animals shall be kept in substantial air-tight containers until it is removed from the premises or dug into the earth in such a manner as to prevent odours arising therefrom.

7.8 Food - feed - storage - rodent-proof containers

All feed or other animal food shall be kept in rodent-proof containers.

**Part 8
CLASS 4 ANIMALS**

8.1 Maximum - 2 animals - in one dwelling unit

No person shall keep more than 2 Class 4 animals in any one dwelling unit or on any premises.

8.2 Newborns - keeping - maximum - 2 months

The young of any Class 4 animal may be kept for a period not exceeding 2 months after birth.

Part 9
DOMESTIC CATS

9.1 Complaint - to Pound keeper - confinement - by owner

Where a property owner or occupant makes a complaint to the Animal Control Officer or Police Officer that a domestic cat has caused damage on his property and/or has created a disturbance thereon, an officer may, after the property owner or occupant has confined the cat, and upon obtaining consent of the complainant, enter onto the complainant's property to secure, shelter and impound the cat.

Part 10
CLASS 5 ANIMALS

10.1 Keeping - regulations - set out

The regulations set out in this Part apply to persons keeping Class 5 animals within the Town.

10.2 Maximum - 2 animals - in one dwelling

No person shall keep more than 2 Class 5 animals in any dwelling unit or on any premises.

10.3 Snake - non-venomous - over 24 inches - prohibited

No person is permitted to keep a non-venomous snake that exceeds an overall length of 60.96 centimetres (24 inches).

10.4 Lizard - non-venomous - over 12 inches - prohibited

No person shall keep a non-venomous lizard that exceeds an overall length of 30.48 centimetres (12 inches).

Part 11
CLASS 6 ANIMALS

11.1 Maximum - 2 animals - in one dwelling

No person shall keep more than 2 Class 6 animals in any dwelling unit or on any premises within the Town.

Part 12
CLASS 7 ANIMALS

12.1 Keeping - within Town - prohibited

The keeping of Class 7 animals within the municipal boundaries of the Town is prohibited.

**PART 13
ENFORCEMENT**

13.1 Administration - Pound keeper - Animal Control Officer - Police Officer

The Pound keeper and duly appointed Animal Control Officers and Police Officer shall administer and enforce this by-law.

13.2 Fine - for contravention

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty of not more than Five Thousand (\$5,000.00) Dollars as provided in the Provincial Offences Act.

13.3 Continuation - repetition - prohibited - by order

The court in which the conviction has been entered any 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.

**Part 14
REPEAL - ENACTMENT**

14.1 By-law previous

All by-laws inconsistent with this by-law are hereby repealed in their entirety.

14.2 Effective date

This by-law comes into force on January 1, 2002.

READ a first and second time in Open Council this 9th day of October, 2001.

READ a third and final time and passed in Open Council this 9th day of October, 2001.

Michael Hennessy, Mayor

Edward A. Hunt, Clerk Administrator

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