

# THE CORPORATION OF THE TOWN OF AJAX

## BY-LAW NUMBER 56-2021

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

**WHEREAS** the Municipal Act, 2001, S.O.2001, as amended (the "Act"), provides the Town with broad authority to pass By-laws within various spheres of jurisdiction, including a By-law respecting animal matters;

**AND WHEREAS**, the Act authorizes a municipality to regulate matters not specifically provided in the Act for purposes related to health, safety and well-being of the inhabitants of the municipality.

**AND WHEREAS**, the Act authorizes a municipality to impound animals found running at large or trespassing.

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

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

### **1. SHORT TITLE**

1.1 This By-law may be cited as the Exotic Pet By-law.

### **2. DEFINITIONS**

2.1 In this By-law, the term,

- a) "animal" means any member of the animal kingdom, other than a human;
- b) "Animal Services Officer" shall include any person employed by the Town to enforce the provision of this By-law and also includes a Municipal Law Enforcement Officer;
- c) "domestic" means an animal that has been tamed and kept by humans and has through selective breeding, become notably different from its wild ancestors, and would include an animal derived from self-sustaining captive populations;
- d) "dwelling unit" means a room or suite of two or more rooms designed or intended for residential use by a person or persons in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons having a private entrance from outside or from a common hallway or stairway inside and which is located in an area zoned residential in the Town's Zoning By-law;
- e) "Exotic Pet" means a rare or unusual animal, other than a cat or dog, commonly kept as a pet.
- f) "highway" means the entire right-of-way of a common and public highway, road allowance, street, avenue, parkway, driveway, square, place, viaduct, bridge or trestle, designated and intended for, or used by, the general public for the passage of pedestrians and vehicles under the jurisdiction of the Town or the Regional Municipality of Durham;
- g) "livestock" means any domestic fowl (including chickens, ducks, geese, turkeys, guinea fowl, swans, ostrich, etc.), domestic rabbits (when more than 3 rabbits are kept), horses, donkeys, mules, bulls, oxen, cows or other cattle, sheep, lamb, goats, pigs, llamas, mink, emus, alpacas, wild boar, bison, deer, elk, ponies, rhea, fox, or bees used or kept for agricultural purposes;
- h) "Owner" means the owner of an animal and includes a person possessing or harbouring an animal within the Town and, where the Owner is a minor, the person responsible for the custody of the minor;

- i) "person" means a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;
- j) "pet shop" means every shop, place or premise, where, in the calendar year, more than three (3) animals for use as pets are sold or kept for sale. This excludes Owners with one litter of kittens and/or one litter of puppies born every 2 years;
- k) "pigeon" means any of various birds of the widely distributed family Columbidae, characteristically having plump bodies, small heads, and short legs, especially the rock dove or any of its domesticated varieties;
- l) "prohibited animal" means an animal set out in Schedule "B" of this By-law;
- m) "running at large" means when an animal is found in any place other than the premises of the Owner, and not under the control of any person, unless prior consent is given by the person owning the land on which the animal is found;
- n) "rural area" means a portion of the Town outlined as rural area in Schedule "A" of this by-law;
- o) "Town" means The Corporation of the Town of Ajax;
- p) "urban area" means a portion of the Town outlined as urban area in Schedule "A" of this by-law; and
- q) "wild animal" means an animal of the wild, untamed, uncultivated, feral, or brutal nature or disposition. This may include an abandoned, domestic animal.

### **3. KEEPING OF ANIMALS**

- 3.1 No Owner shall, knowingly or not knowingly, keep, own or harbour, or permit to be kept, owned or harboured in the urban area any prohibited animal.
- 3.2 No Owner shall, knowingly or not knowingly, keep, own or harbour, or permit to be kept, owned or harboured in the rural area any prohibited animal with the exception of livestock.
- 3.3 No person shall, knowingly or not knowingly, keep, own or harbour, or permit to be kept, owned, or harboured, within the Town any wild animal.
- 3.4 No person shall, knowingly or not knowingly, keep, own or harbour, or permit to be kept, owned, or harboured, within the Town any protected and/or endangered animals, native or exotic, whose possession or sale is prohibited pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA), the Species at Risk Act (SARA), the Migratory Birds Convention Act, and the Fish and Wildlife Conservation Act.

### **4. KEEPING OF PIGEONS**

- 4.1 Every owner of a domestic pigeon in the Town shall;
  - a) keep no more than eighty (80) pigeons at any time;
  - b) be a member of a recognized pigeon club which is affiliated with a national organization;
  - c) ensure each pigeon wear a metal or plastic leg band that shall identify the owner of the bird, and shall register these numbers with a recognized pigeon club which is affiliated with a national organization;
  - d) ensure all pigeons are not kept in, upon, or under any building used for human habitation;

- e) keep all pigeons in a bird enclosure of sufficient size to house all birds; which shall provide a minimum space of 1.0 square metre of loft space for every 10 birds, and shall be constructed as to prevent escape of pigeons;
- f) ensure the bird enclosure is located no less than seven (7) metres from any dwelling, shop or apartment building, and no less than three (3) metres from any adjoining property line;
- g) ensure the pigeons do not stray, perch, roost, nest or rest upon any premises other than on premises of the owner;
- h) keep the pigeons in a building, structure, loft, pen, coop or run which is maintained by regular painting or permanent siding;
- i) lime wash, 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 four times per calendar year;
- j) remove and dispose of 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;
- k) store all pigeon feed in rodent-proof containers;
- l) keep all equipment associated with the keeping of pigeons under cover; and
- m) keep the pigeons enclosed at all times, except to allow a maximum of two daily, two hour, flight periods during which no more than fifty percent 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.

## **5. GENERAL PROVISIONS**

- 5.1 No person, being an owner, tenant or occupant of a dwelling unit shall knowingly or not knowingly, keep, own, harbour, or permit to be kept, owned, or harboured, in the urban area more than two (2) domestic ferrets or chinchillas in or about the dwelling unit.
- 5.2 No person, being an owner, tenant or occupant of a dwelling unit shall knowingly or not knowingly, keep, own, harbour, or permit to be kept, owned, or harboured, in the urban area more than three (3) domestic rabbits in or about the dwelling unit.
- 5.3 No pet shop shall sell any prohibited animal to an Ajax resident.

## **6. ANIMALS RUNNING AT LARGE**

- 6.1 No Owner of an animal shall, knowingly or not knowingly, allow the animal to run at large or trespass within the limits of the Town.
- 6.2 Any person shall be entitled to take charge of any animal found running at large or trespassing but shall forthwith deliver the animal to an Animal Services Officer.
- 6.3 Nothing in this subsection confers the right to enter any dwelling unit.

## **7.0 CONTROL OF ANIMALS**

- 7.1 The Town may impound any animal:
  - a) found running at large or trespassing; or
  - b) delivered to the Town by a person finding the animal running at large or trespassing.

- 7.2 An Animal Services Officer shall restore possession of the animal to a person claiming it only where:
- a) the Owner claims possession of the animal;
  - b) the Owner pays to the Town an impound fee in the amount of ten dollars (\$10.00) for each day or part thereof that the animal is impounded;
  - c) 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;
  - d) the Owner pays to the Town any cost of veterinary care received by the animal after being taken into possession that the Animal Services Officer deemed necessary for the well being of the animal; and
  - e) the Owner pays to the Town any cost(s) incurred by the Town for the care and well being of the animal.
- 7.3 Where on the sixth day, exclusive of Sundays and statutory holidays, after the date of seizure and impounding, possession of the animal has not been restored to the Owner, the Town may:
- a) Sell or make gift of the animal; or
  - b) Euthanize the animal in a humane manner.
- 7.4 Where an animal seized and impounded is injured or should be euthanized without delay for humane reasons, or for reasons of safety to person or animals, or the inability to provide adequate housing for the animal, the Animal Services Officer, Town or Agents may euthanize the animal in a humane manner as soon after as he or she sees fit without permitting any person to claim possession of the animal and without offering it for sale and no damages or compensation shall be recovered or recoverable on account of its destruction.
- 7.5 Where the Town deems it necessary to euthanize an animal pursuant to the provisions of subsection 7.4 of this By-law, the Town shall first make every effort possible and practical in the circumstances to contact the Owner and return the animal to the Owner's possession providing that the keeping of the animal is in compliance with this By-law.

## **8. EXCEPTIONS**

- 8.1 The provisions contained in section 3.1 and 3.2 of this By-law shall not apply to animals kept on the property of a licenced pet shop.
- 8.2 The provisions contained in section 3 and 5 of this By-law shall not apply to animals kept:
- a) by the Town;
  - b) by an accredited veterinary hospital or clinic;
  - c) by a medical or educational institution, or other accredited school where animals are being kept for research, study or teaching purposes, on premises registered as a research facility under the Animals for Research Act R.S.O. 1990 c.A.22;
  - d) by a person holding a licence issued by the Government of Canada or the Province of Ontario, or by a person required to register with the Government of Canada or the Province of Ontario permitting the keeping of animals, subject to the legislation, regulations, terms, and/or conditions of the licence or registration; or
  - e) by an animal exhibition on premises approved by the Town, including but not necessarily limited to, a person conducting a circus, rodeo or petting zoo.

**9. PENALTIES**

9.1 Every person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs, as prescribed by the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

**10. REPEAL OF EXISTING BY-LAWS**

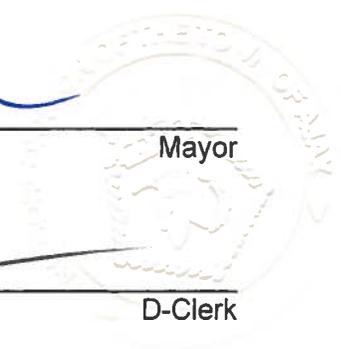
10.1 That By-law #61-2009 is hereby repealed.

READ a first and second time this  
Twenty-first day of September,  
2021.

READ a third time and passed this  
Twenty-first day of September,  
2021.

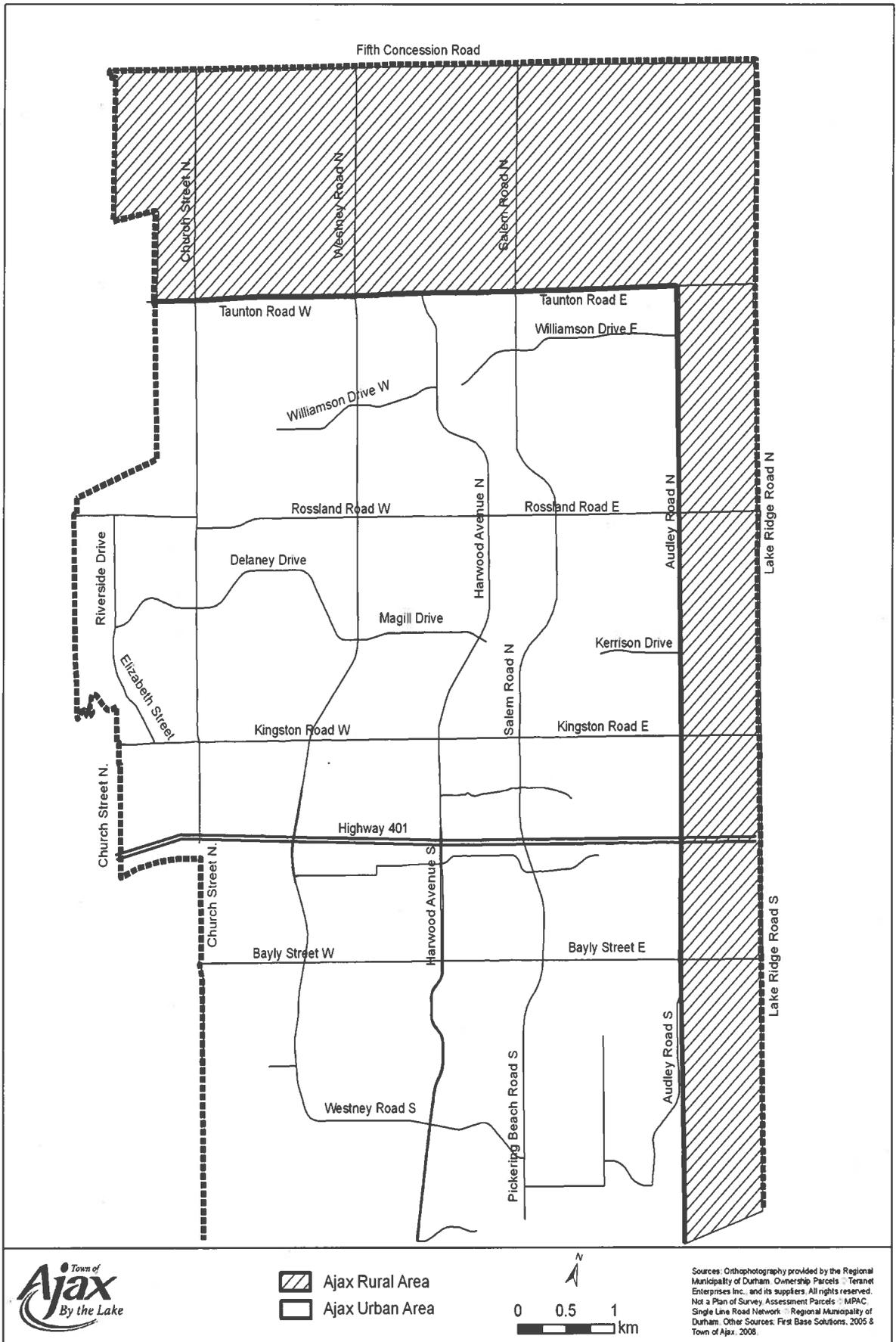
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
D-Clerk



# SCHEDULE "A" - BOUNDARIES

## BY-LAW 56-2021



## SCHEDULE "B"- PROHIBITED ANIMALS

### BY-LAW 56-2021

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

Set out in the following tables are animals organized by Class, Order, Family, and common names. The common names are provided for illustration purposes only and are not intended to limit the extent of classes of animals referred to.

### **MAMMALIA (MAMMALS)**

<b>All Orders:</b>	
All Families	except <b>domestic</b> , dogs, cats, chinchillas, ferrets, gerbils, guinea pigs, hedgehogs, hamsters, mice, rabbits, rats, and sugar gliders

### **REPTILIA (REPTILES)**

<b>Crocodylia:</b>	
All families	crocodiles, alligators, caimans, gharial

<b>Squamata:</b>	
All families	all snakes, except <b>domestic</b> non-venomous snakes that have potential to reach an adult length of no greater than three (3) metres  all lizards, except <b>domestic</b> non-venomous lizards that have potential to reach an adult length of no greater than two (2) metres from snout to tip of tail

<b>Testudines:</b>	
Chelydridae	snapping turtles

### **AMPHIBIA (AMPHIBIANS)**

<b>Anura:</b>	
All Families	all poisonous frogs and toads, except <b>domestic</b> frogs and toads

<b>Caudata:</b>	
Amphiumidae	congo eels

Cryptobranchidae	giant salamanders, hellbenders
Dicamptodontidae	pacific giant salamanders
hynobiidae	hida salamanders

## AVES (BIRDS)

<b>Anseriformes:</b>	
Anatidae	ducks, geese, swans
Anhimidae	screamers
Anseranatidae	magpie-geese

<b>Charadriiformes:</b>	
All Families	waders, gulls, auks

<b>Falconiformes:</b>	
Accipitridae	hawks, eagles, kites, harriers, old world vultures, buzzards, goshawks, sparrow hawks
Falconidae	falcons, caracara
Pandionidae	ospreys
Sagittariidae	secretary bird

<b>Gaviiformes:</b>	
Cracidae	chachalacas, guans and curassows
Gaviidae	divers, loons
Meleagrididae	turkeys
Numididae	guineafowl
Phasianidae	pheasants, partridges, chicken

<b>Passeriformes:</b>	
Orthonychidae	blue-capped ifrita
Pachycephalidae	pitohui

<b>Strigiformes:</b>	
Strigidae	true owls
Tytonidae	barn owls

<b>Struthioniformes:</b>	
Apterygidae	kiwis
Casuariidae	cassowary, emu
Rheidae	rheas
Struthionidae	ostrich

### INSECTA (INSECTS)

<b>All Orders:</b>	
All Families	all venomous insects which includes but is not limited to; bees, wasps, hornets, jumping ants, bullet ants, and red harvester ants

### CHILOPODA (CENTIPEDES)

<b>All Orders:</b>	
All Families	all venomous centipedes

### ARACHNIDA (SPIDERS)

<b>All Orders:</b>	
All Families	all venomous spiders, and scorpions