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Article 1 TITLE AND SCOPE

286.1.1 Title and scope

This Chapter shall be known and cited as the “Exotic Animal Chapter” and shall apply to the whole geographic limits of the City of Orillia. In the text of this Chapter, it is referred to as “this Chapter”.

Article 2 DEFINITIONS

286.2.1 Animal Control Officer - defined

“Animal Control Officer” means an animal control officer employed by the Ontario Society for the Prevention of Cruelty to Animals (O.S.P.C.A.).

286.2.2 City - defined

“City” means the Corporation of the City of Orillia.

286.2.3 Council - defined

“Council” means the Council of the Corporation of the City of Orillia.

286.2.4 Grandfathered - defined

“Grandfathered” means the lawful keeping of any animal, currently prohibited under the provisions of this Chapter, provided such animal was lawfully kept prior to the prohibition.

286.2.5 Officer - defined

“Officer” means a Municipal By-law Enforcement Officer, Police Officer, or Animal Control Officer.

286.2.6 Proof - defined

“proof” means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. Such records must clearly establish that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal and further that the owner and animal resided in the City at such time.

Article 3 GENERAL PROVISIONS

286.3.1 Exotic animals prohibited

Except as provided in Article 4, no person shall possess, harbour or keep any animal set out in Schedule "A" attached to and forming part of this Chapter.

Article 4 GRANDFATHERED ANIMALS

286.4.1 Remove or register exotic animals

Any person who possesses, harbours or keeps a prohibited exotic animal shall remove the exotic animal, or make application and provide to the City proof that the animal was lawfully owned prior to the prohibition, within 90 days of a prohibition of the keeping of an animal. Upon being satisfied that the animal was lawfully owned prior to the prohibition, the City Clerk or designate may deem the animal to be "grandfathered" and enter such information pertaining to the animal and its owner into a registry of grandfathered animals. A grandfathered animal may be kept until it has died or has otherwise been disposed of.

286.4.2 Special conditions for grandfathered animals

The City may, at the discretion of the City Clerk or designate impose special terms or conditions on the keeping of any grandfathered animal (e.g. housing). Any person who possesses, harbours or keeps a grandfathered animal shall comply with any special term or condition imposed by the City Clerk or designate.

286.4.3 Grandfathered animal re-located

Any person who moves a grandfathered animal to a location other than the one on file with the City, shall notify the City Clerk or designate of the new location within forty-eight (48) hours after the animal is moved.

Article 5 EXEMPTIONS

286.5.1 Exotic animal exemption - veterinary hospital

This Chapter shall not apply to a veterinary hospital as permitted under the City's Zoning By-law, which is under the care of a licensed veterinarian.

286.5.2 Exotic animal exemption - O.S.P.C.A.

This Chapter shall not apply to a branch of the Ontario Society for Prevention of Cruelty to Animals.

286.5.3 Exotic animal exemption - City sanctioned event

This Chapter shall not apply to any animal being displayed or exhibited for a set period of time in a City sanctioned event, which is operated in accordance with the City's conditions.

286.5.4 Exotic animal exemption - licensed by Provincial or Federal Government

This Chapter shall not apply to anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions.

286.5.5 Exotic animal exemption - education institutions

This Chapter shall not apply to the premises of an institution of education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the *Animals for Research Act*, R.S.O. 1990, c. A. 22, as amended.

286.5.6 Application to Council - conditions

Notwithstanding anything contained in this Chapter, any person may make application to Council to be granted an exemption from any of the provisions of this Chapter with respect to the keeping of any class of animal where a written request is received for such authorization. Council, by resolution may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit.

286.5.7 Grant of exemption - decision - Council

In deciding whether to grant the exemption, Council shall consider the application and any written submission then received by Council and made by the applicant and Council may consider such other matters as it sees fit.

286.5.8 Grant of exemption - terms - conditions - breach - void

Breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

**Article 6
ENFORCEMENT****286.6.1 Enforcement**

A Municipal By-law Enforcement Officer, Police Officer or Animal Control Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

286.6.2 Entry and inspection

An Officer may, at all reasonable times, enter on land including buildings and structures other than a dwelling unit, for the purpose of carrying out an inspection to determine compliance with this Chapter.

286.6.3 Obstruction

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter. Any person who is alleged to have contravened any of the provisions of this Chapter 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 their duties.

286.6.4 Penalties

- (a) Any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) Where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- (c) Upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, 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.

286.6.5 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

Adopting By-law: By-law 2012-123, 13 August 2012

By-law Amendments: By-law 2012-142, 5 November 2012

SCHEDULE "A" TO CHAPTER 286**Animals Prohibited**

1. All Marsupialia (such as Kangaroos, Opossums, Koala, Cusus) except Sugar Gliders
2. All non-human Primates (such as Monkeys, Apes, Chimpanzees, Lemurs)
3. All Canidae (such as Wolf, Coyote, Fox) except Domestic Dog
4. 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 Hyaenidae (such as Hyena)
8. All Procyonidae (such as Raccoon, Panda, Coatimundi)
9. All Viverridae (such as Mongoose, Civet, Genet)
10. All Pinnipedia (such as Seals, Sea Lions, Walruses)
11. All Perissodactyla (such as Zebra, Tapir, Rhinoceros, horse, ass, mule)
12. All Artiodactyla (such as, Hippopotamus, Camel, Giraffe, Sheep, Goat, Cattle, Alpaca, Vietnamese Pot Bellied Pig)
13. All Edentata (such as Anteaters, Sloths, Armadillos)
14. All Proboscidea (such as Elephants)
15. All Chiroptera (such as Bats)
16. All Crocodilia (such as Crocodiles, Alligators, Caimans, Gavials)
17. All Chelydridae (such as Snapping Turtle)
18. All venomous or poisonous reptiles
19. All snakes of the families pythonidae and boidae
20. All lizards that exceed 2 metres in length from snout to the tip of the tail
21. All Falconiformes (such as Hawks, Eagles, Kites, Harriers, Osprey)
22. All Strigiformes (such as Owls, Vultures, Buzzards)
23. All Ratite Birds (such as Cassowaires, Rhea or Ostrich)
24. All Galliformes (such as Chickens, Turkeys, Grouse, Peacock)

SCHEDULE "A" TO CHAPTER 286**Animals Prohibited**

25. All Anseriformes (such as Ducks, Geese, Swans)
26. All other venomous or poisonous animals (such as Black Widows), except New World Tarantulas
27. All Erinacidae except African Pigmy Hedgehog
28. All wild animals brought captive
29. All types of anaconda snakes.

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