

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW 93-161

being a By-Law Prohibiting and Regulating the Keeping of  
Certain Animals Within the Municipality and to Repeal  
By-Law 91-52

- WHEREAS: a) Paragraphs 1 to 4 inclusive of Section 210 of the Municipal Act, R.S.O. 1990 C.M.45 permit councils of local municipalities to prohibit or regulate the keeping of animals or any class thereof within the Municipality or defined areas thereof;
- b) Paragraph 7 of Section 236 of the Municipal Act, R.S.O. 1990 c. M.45 permits councils of local municipalities having a population of less than 100,000 to prohibit or regulate menageries, circus-riding and other like shows exhibited by showmen; and
- c) It is desirable for the protection of the public and in the public interest that the keeping of certain animals be prohibited or regulated within the geographic limits of the Municipality.

NOW THEREFORE the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. No person shall keep any animal of any class set out in Schedule "A" attached to and forming part of this By-law anywhere within the geographic limits of the Municipality except within the areas more particularly described in Schedule "C" attached to and forming part of this By-law.
2. No person shall keep any arthropod of any venomous classes of arachnid, chilopoda or diplopoda anywhere within the geographic limits of the Municipality except within the areas more particularly described in Schedule "C" hereto.
3. No person shall keep a menagerie anywhere within the geographic limits of the Municipality except within the areas more particularly described in Schedule "C" hereto.
4. Notwithstanding Section 1 of this By-law it shall be lawful:
  - a) to keep any number of animals of any class set out in Schedule "B" attached to and forming part of this By-law upon a farm;
  - b) to keep any number of pigeons within the geographic limits of the Municipality; and
  - c) for handicapped persons to keep a monkey within the geographic limits of the Municipality to assist in their day to day living.
5. Notwithstanding Section 3 of this By-law it shall be lawful to hold exhibitions of circus-riding on any lot within the geographic limits of the Municipality on which such use is permitted by By-law 84-63 as amended by the Municipality as the same may be amended or replaced from time to time.

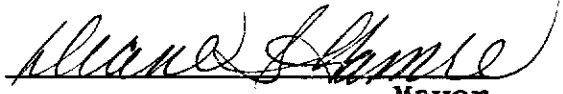
6. Without derogating from Sections 1 and 4 of this By-law, no person shall keep more than three (3) animals of any one class of animal on any lot except that more than three (3) animals of any one class may be kept on any lot if such additional animals are less than twelve (12) weeks old.
7. Without derogating from any other by-law of the Municipality, no person shall permit any animal other than a dog to run at large or to trespass within the geographical limits of the Municipality of Clarington.
8. Without derogating from any other by-law of the Municipality, any animal other than a dog found at large or trespassing may be impounded by an animal control officer or by any person who shall deliver such animal to an animal control officer or to a poundkeeper.
9. If any animal impounded pursuant to the provisions of this by-law is not claimed by its owner within a reasonable time and the expenses of the poundkeeper for the care and feeding of such animal are not paid, then the poundkeeper may sell such animal and apply the proceeds of sale to the payment of the poundkeeper's expenses.
10. Any person who contravenes any provision of this by-law is guilty of an offence.
11. a) The following words and terms used in this By-law and the Schedules forming a part of this By-law shall have the following meanings:
  - i) 'animal' includes birds and reptiles;
  - ii) 'animal control officer' means a person appointed as such by by-law enacted by the Council of the Municipality;
  - iii) 'at large' includes the circumstances in which an animal is found in any place other than on lands owned or lawfully occupied by its owner and when not under the physical control or restraint of any person;
  - iv) 'farm' means land, buildings or structures located within the geographic limits of the Municipality which is designated "Agricultural (A)" by By-law 84-63 as amended of the Municipality as the same may be amended or replaced from time to time used for one or more of the following purposes; production of forage crops, grain and feed crops, oil and seed crops, vegetables and row crops, dairy animals and dairy products, nurseries, floral and greenhouse products, poultry and poultry products, mushrooms, horse and ponies, tobacco forestry, market gardening and retail stands for the sale of agricultural products produced on the farm.
  - v) 'lot' has the same meaning as the term has in By-law 84-63 of the Municipality as the same may be amended or replaced from time to time;


- vi) 'Municipality' means the Corporation of the Municipality of Clarington;
  - vii) 'owner' includes a person who keeps, or harbours an animal; and
  - viii) 'poundkeeper' means the person or agency appointed as such by By-law enacted by the Council of the Municipality.
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- b) In this By-law unless the context stipulates otherwise, words importing the singular shall include the plural and words importing the masculine gender shall include the feminine.
  - c) Should any part of this By-law be declared by a court of competent jurisdiction to be invalid in whole or in part, the validity of the other provisions of the by-law shall not be affected thereby, the intent of the Council of the Municipality in enacting this By-law being that each provision of this By-law shall be determined to be separately valid and enforceable to the fullest extent permitted by law.

12. By-law 91-52 is hereby repealed.

By-law read a first and second time this 12th day of October, 1993.

By-law read a third time this 12th, day of October, 1993.

  
Mayor

  
Clerk

**SCHEDULE "A"**  
**TO BY-LAW 93-161**

<b>CLASS OF ANIMAL</b>	<b>COMMON NAMES</b> Set out in this column are <u>some</u> of the names of animals included in the classes of animals referred to in this schedule. The common names are provided for illustration purposes only and are not intended to limit the extent of the classes of animals referred to.
Anseriforms	ducks, geese, swans
Artiodactyls	camels, cattle, goats, pigs, sheep
Bats	
Canids, except the common dog	foxes, jackals, wolves
Cetaceans	dolphins, porpoises, whales
Crocodylians	alligators, crocodiles
Edentates	anteaters, armadillos, sloths
Elephants	
Felids, except the common cat	cougars, leopards, lions, lynxes, panthers
Galliforms	chickens, grouse, pheasants, turkeys
Hyaenids	aardwolves, hyenas
Marsupials	bandicoots, kangaroos, opossums, wombats
Mustelids	badgers, chinchillas, martens, minks, otters, polecats, skunks, weasels, ferrets
Perissodactyls	ass, horse, mule, tapirs, zebras
Pinnipeds	sea lions, seals, walruses
Non-human Primates	baboons, gorillas, monkeys, orangutans
Procyonids	coatis, raccoons
Raptors	eagles, hawks, vultures
Ratites	cassowaries, emus, kiwis, ostriches, rheas
Sirenians	dugongs, manatees
Snakes of the Family Boidae	boas, pythons
Ursids	bears
Venomous Reptiles	venomous lizards, venomous snakes
Viverrids	civets, genets, mongooses

**SCHEDULE "B"**  
**TO BY-LAW 93-161**

<b>CLASS OF ANIMAL</b>	<b>COMMON NAMES</b> Set out in this column are <u>some</u> of the names of animals included in the classes of animals referred to in this schedule. The common names are provided for illustration purposes only and are not intended to limit the extent of the classes of animals referred to.
Anatids	ducks, swan
Anserins	goose
Domestic goat, sheep, pig, cattle, deer	
Gallus Domesticus	chicken, pheasant, turkey
Mustelids, except domestic ferrits	including chincilla and mink
Horse, mule, ass	
Ratites	cassawaries, emus, kiwis, ostriches, rheas
Domestic dogs	
Domestic cats	

SCHEDULE "C"  
TO BY-LAW 93 - 161

Bowmanville Veterinary Clinic	2826 King St E Bowmanville Con. 1 pt. lot 7 former Tp. of Darlington
Bowmanville Zoo Ltd.	340 King St. E Bowmanville Con. 1 pt. lot 8 former Tp. of Darlington
Courtice Pet Clinic	1500 Highway No. 2 Courtice Plan 10M 766 Blk 75
Durham Veterinary Clinic	110 King St. E Bowmanville Plan 10R 758 part 4, 5
East Oshawa Animal Hospital	1 Townline Rd. N Courtice Plan 713 RCP lot 36
Orono Exotic Cat World	3667 Concession Rd. 6 Orono Con. 5 pt. lot 25 former Tp. of Clarke