

BY-LAW NUMBER 7540

A BY-LAW REGARDING THE KEEPING OF ANY
KIND OF EXOTIC OR NON-DOMESTIC ANIMAL
IN THE CITY OF WELLAND

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
CITY OF WELLAND ENACTS AS FOLLOWS:

Section 1 – DEFINITIONS

1.
 - (a) “Animal” means any member of the animal kingdom, other than a human as so defined in Section 11.1 of the Act;
 - (b) “Animal Control Officer” means an employee or agent of the Welland and District Humane Society, authorized for the purpose of enforcing and carrying out the provisions of this By-law;

Section 2 – EXEMPTIONS

2. This by-law does not apply to prohibit the keeping of any animal of the kind described in Section 3 in the following places or circumstances:
 - (1) on the premises of a lawfully operated zoo;
 - (2) on the premises of the Welland and District Society for the Prevention of Cruelty to Animals, also known as the Welland Humane Society;
 - (3) in a veterinary hospital under the care of a licensed veterinarian;
 - (4) on the premises of a school or community college where such animals are being kept for research, study or teaching purposes or on premises registered as research facilities under Section 5 of The Animals for Research Act, R.S.O. 1980, chapter 22.
 - (5) by 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;

- (6) on the premises of any television studio where such animals are being kept temporarily for the purpose of a television production;
- (7) at a circus or like performance holding a licence from The Corporation of the City of Welland.

Section 3 – GENERAL PROVISIONS

- 3.
 - (1) Except as hereinafter provided, no person shall keep any kind of exotic and non-domesticated animal that is, or may be, injurious to human health, on private property, for sale, for exhibition, as a pet or for any other purpose, is hereby prohibited in the City of Welland.
 - (2) Without limiting the generality of Section 3 (1) above, the animals of this kind listed in Schedule “A” attached hereto and forming part of this by-law shall be deemed to be exotic and non-domestic kinds of animals that are or may be injurious to human health.

Section 4 – RIGHT OF ENTRY

- 4.
 - (1) An Animal Control Officer may at all reasonable times, enter upon any land for the purpose of carrying out an inspection to determine whether or not this By-law is being contravened.

Section 5 – ISSUE OF AND COMPLIANCE WITH NOTICE

- 5.
 - (1) An Animal Control Officer may issue to the proper person a notice of removal with respect to any prohibited animal found on the premises or at large, setting out the time and date by which such animals shall be removed from the premises.
 - (2) Every such person shall comply with such notice within the stated time.

Section 6 – SEIZURE OR SURRENDER

- 6. An Animal Control Officer may take into its possession any animal listed in Schedule “A” that may be seized or surrendered to him by the owner.

Section 7 – PENALTY

7. Any person who contravenes this By-law is guilty of an offence and is liable, upon conviction, to a penalty in accordance with the Provincial Offences Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY
COUNCIL THIS 27th DAY OF July 1982.

_____ MAYOR

_____ CLERK

As Amended by: By-law 2018-125 passed December 18, 2018

As Amended by: By-law 2019-55 passed May 7, 2019

THE CORPORATION OF THE CITY OF WELLAND

SCHEDULE "A"

LIST OF ANIMALS, THE KEEPING OF WHICH IS PROHIBITED WITHIN THE CITY OF WELLAND

1. All Marsupials (such as, Kangaroos and Opossums), except Sugar Gliders;
2. All Non-human Primates (such as, Gorillas and Monkeys);
3. All Felids, except the domestic cat;
4. All Canids, except the domestic dog;
5. All Viverrids (such as, Mongooses, Civets and Genets);
6. All Mustelids (such as, Skunks, Weasels, Otters, Badgers), except the domestic Ferret;
7. All Ursids (Bears);
8. All Artiodactylus Ungulates, except domestic goats, sheep, pigs and cattle;
9. All Procyonids (such as, Raccoons, Coatis and Cacomistles);
10. All Hyaenas;
11. All Perissodactylus Ungulates, except the domestic horse and ass;
12. All Elephants;
13. All Pinnipeds (such as, Seals, Fur Seals and Walruses);
14. All snakes which reach an adult size of more than 3 meters in length;
15. All Families of Venomous Snakes;
16. All Ratite Birds (such as, Ostriches, Rheas, Cassowaries);
17. All diurnal and nocturnal Raptors (such as Eagles, Hawks and Owls);
18. All Edentates (such as, Anteaters, Sloths and Armadillos);
19. All Bats;
20. All Crocodilians (such as, Alligators and Crocodiles);
21. All venomous arachnids except all species of Tarantulas;
22. All lizards which reach an adult size of more than 2 meters in length.

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

THE CORPORATION OF THE CITY OF WELLAND

SCHEDULE "B"

PART I PROVINCIAL OFFENCES ACT

CITY OF WELLAND BY-LAW 7540, AS AMENDED, REGARDING THE KEEPING OF ANY KIND OF EXOTIC OR NON-DOMESTIC ANIMAL IN THE CITY OF WELLAND

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Provision Creating or Defining Offence | COLUMN 3 Set Fine |
|------|---|---|----------------------|
| 1 | Keeping of prohibited animal on premises (per animal) | Section 3(1) | \$200.00 |
| 2 | Sell, offer for sale or display for sale any prohibited animal (per animal) | Section 3(1) | \$200.00 |
| 3 | Failing to comply with Notice to remove (per animal) | Section 5 | \$300.00 |

NOTE: The penalty provision for the offences listed above is Section 5 of By-law Number 1982-7540, as amended.