

**The Corporation of the  
Municipality of Clarington  
By-Law 2012-045**

Being a by-law prohibiting and regulating the keeping of  
certain animals within the Municipality of Clarington.

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Passed, by Council, on: June 13, 2016

Consolidated as of: March 5, 2020

Amendments:

Amending By-Law	Date Passed	Amendment Details
2016-053	June 13, 2016	Amend Section 1 to add "Wildlife"  Section 6 to add Schedule "F"  Part 2 Prohibitions to add "no person shall keep Wildlife in the Municipality"  Section 14 (f) deleted and replaced
2019-041	June 10, 2019	Delete clause 14(d) and renumber  Add new clause 14(f) regarding Jungle Cat World
N/A	N/A	Added missing Schedule "F" to consolidated by-law

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Office Consolidation of By-Law 2012-045  
Exotic Animal By-law  
THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON  
BY-LAW 2012-045

Being a by-law prohibiting and regulating the keeping of  
certain animals within the Municipality of Clarington

WHEREAS subsection 11(3) of the *Municipal Act, 2001* authorizes the Municipality to pass by-laws respecting animals; and

WHEREAS subsection 8(3) of the *Municipal Act, 2001* authorizes the Municipality to provide for a system of licences respecting animals; and

WHEREAS section 103 of the *Municipal Act, 2001* permits the seizure and impounding of animals being at large or trespassing contrary to the by-law and for the sale of such animals; and

WHEREAS the Municipality wishes to ensure the safety, health and well-being of its residents by prohibiting the keeping of certain animals and regulating how certain other animals can be kept.

NOW THEREFORE the Municipality enacts as follows:

**PART I - INTERPRETATION**

**Definitions**

1. In this by-law, including its recitals,

“Agricultural Zone” means land designated ‘Agricultural (A)’ in a Zoning By-law;

“Animal” means any member of the animal kingdom other than a dog or cat as defined in the Municipality’s Responsible Pet Owners By-Law No. 2006-227;

“Animal Services Officer” means a Municipal Law Enforcement Officer appointed by Council to enforce this by-law;

“at large”, in relation to an Animal, means an Animal found on any property other than the Animal Owner’s property (unless prior consent is given by the person owning the property) that is not under the physical control of a person;

“Council” means the Council of the Municipality;

“keep” means to temporarily or permanently harbour, have custody of, maintain, possess or store;

“Livestock” means those Animals listed in Schedule “B”;

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“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c. 25;

“Municipal Clerk” means the Clerk of the Municipality or a designate;

“Municipality” means The Corporation of the Municipality of Clarington or the geographic area of Clarington, as the context requires;

“Owner” means a person who keeps an Animal and, where such person is under the age of 18, the person responsible for the custody of such person;

“person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives;

“Prohibited Animal” means an Animal in a Class or Category identified in Schedule “A” other than any exceptions listed in Schedule “A” and Livestock;

“Wildlife” means those Animals listed in Schedule “F”; and

“Zoning By-law” means a by-law passed by the Municipality pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c. P.13 and includes Zoning By-law 84-63 and Oak Ridges Moraine Zoning By-law 2005-109.

### References

2. Reference to any Act, regulation or By-law is reference to such Act, regulation or By-law as it is amended or re-enacted from time to time.
3. References to Parts, sections, subsections and Schedules are references to Parts, sections, subsections and Schedules of this by-law.

### Word Usage

4. This by-law shall be read with all changes in gender or number as the context may require.
5. A grammatical variation of a word or expression defined has a corresponding meaning.

### Schedules

6. The following Schedules are attached to and form part of this by-law:

Schedule “A” – Prohibited Animals

Schedule “B” – Livestock

Schedule “C” – Impound Fee Schedule

Schedule “D” – Exotic Animal Entertainment Event Permit Requirements

Schedule “F” -- Wildlife

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## Exotic Animal By-law

### Severability

7. Each section of this by-law is an independent section, and the holding of any section or part of any section of this by-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other section or parts of sections of this by-law.

### Conflict

8. Nothing in this by-law is intended to derogate from any of the powers of the Ministry of Natural Resources to regulate wildlife under the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c.41 or the powers of a poundkeeper under the *Pounds Act*, R.S.O. 1990, c. P.17.
9. If a provision of this by-law conflicts with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

## PART II – PROHIBITIONS

### General

10. No person shall keep a Prohibited Animal in the Municipality.
11. No person shall keep Livestock on land that is not in an Agricultural Zone.
12. (1) In this section,  
  
“dwelling unit” means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one or more persons containing its own kitchen and sanitary facilities with a private entrance from outside the unit itself, and includes any land associated with such unit; and  
  
“Exempt Animal” means an Animal listed as an Exception in Schedule “A” other than Pigeons.  
  
(2) No person shall keep more than three Exempt Animals within the same class that are greater than 12 weeks old within any single dwelling unit.  
  
(3) No person shall keep Wildlife in the Municipality.
13. No Owner shall allow their Animal to be at large in the Municipality.

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### Exceptions

14. Sections 10, 11 and 12 shall not apply to,
- (a) a Municipal animal shelter;
  - (b) the premises of an affiliate or branch of the Ontario Society for the Prevention of Cruelty to Animals;
  - (c) the premises of an accredited veterinary hospital under the care of a licensed veterinarian;
  - (d) premises accredited by the Canadian Association of Zoos and Aquariums; or
  - (e) persons keeping an Animal under the authority of the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c.41 or the Canadian Wildlife Service provided that the place where such animals are kept is located in the permitted area of the Municipality as set in Schedule "F".
  - (f) on the premises of Jungle Cat World Wildlife Park.
- 14.1 Section 11 shall not apply to any pot bellied pig provided,
- (a) its weight does not exceed 100 pounds;
  - (b) prior to the passage of this by-law it was kept by an Owner as a pet on land in the Municipality that was not in an Agricultural Zone;
  - (c) its Owner proves that it was purchased prior to May 28, 2012;
  - (d) it was registered with the Municipality no later than June 30, 2012; and
  - (e) it was spayed/neutered prior to June 30, 2012.

### Control of Animals

15. Any person may take possession of an Animal found at large and shall forthwith deliver the Animal to an Animal Services Officer.
16. An Animal Services Officer may seize and impound,
- (a) any Animal found at large or delivered to the Municipality by a person who found the Animal at large;
  - (b) any Prohibited Animal; or
  - (c) any Livestock on land that is not in an Agricultural Zone.

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17. (1) In this section, "Redemption Period" means 5 days from the day that an Animal is impounded (not including the day of impounding or any day that the Clarington Animal Shelter is closed).
- (2) When an Animal has been impounded by an Animal Services Officer, such Animal shall remain impounded for the duration of the Redemption Period.
- (3) If any impounded Animal is not claimed on or before the last day of the Redemption Period, the Animal Services Officer may, at that Officer's discretion and subject to the *Animals for Research Act*, R.S.O. 1990, c. A.22, destroy or sell the Animal.
18. Nothing in this by-law shall prevent an Animal Services Officer from destroying an Animal that is suffering illness or injury and, in the Animal Services Officer's opinion, will not humanely sustain life.
19. Where the Animal Services Officer deems it necessary to euthanize an Animal pursuant to section 18, the Officer shall first make every reasonable attempt in the circumstances to contact its Owner.
20. The Municipality shall keep a record of all Animals seized and impounded pursuant to this by-law.
21. An Animal Services Officer may restore possession of an impounded Animal to a person claiming to be the Owner of the Animal only where such person,
  - (a) demonstrates that the place in which they intend to keep the Animal is within an area of the Municipality where the keeping of the Animal is permitted; and
  - (b) pays to the Municipality the impound and daily care fees set out in Schedule "C" together with any other costs incurred by the Municipality for the housing and caring for the Animal, including the cost of any of veterinary care that the Animal Services Officer deemed necessary.

### Minimum Animal Care Requirements

22. Every Owner who keeps an Animal in the Municipality shall provide the Animal, or cause it to be provided, with adequate and appropriate care, food, water, shelter, exercise, attention and veterinary care as is required to meet the need of the species.

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**PART III - PIGEONS**

**Definitions**

23. In this Part,
- (a) “Pigeon Owner” means a person who owns and keeps Pigeons;
  - (b) “Pigeon Enclosure” means an accessory building, as defined under the applicable Zoning By-law, that is used for keeping Pigeons; and
  - (c) “Pigeon” means any member of the of the Columba genus, commonly referred to as racing pigeons, fancy pigeons and sporting pigeons.

**Pigeon Organization Affiliation**

24. Every Pigeon Owner shall,
- (a) be a member of a recognized pigeon organization which is affiliated with a national pigeon organization;
  - (b) band their Pigeons with a metal or plastic leg band; and
  - (c) register their Pigeon band numbers with an organization described in clause (a).
25. Section 24 does not apply if the Pigeon Owner keeps fewer than 20 Pigeons.
26. Every Pigeon Owner who owns fewer than 20 Pigeons shall band their Pigeons with either a seamed or seamless band to identify the Pigeons as being owned.

**Enclosure Requirements**

27. Every Pigeon Owner shall keep their Pigeons in a Pigeon Enclosure that,
- (a) provides for a minimum of 1.0 square metre of loft space for every 10 Pigeons; and
  - (b) complies with all requirements set out in the applicable Zoning By-law including size, height and setbacks.
28. Every Pigeon Owner shall,
- (a) maintain the Pigeon Enclosure in a state of good repair through regular painting or permanent siding;
  - (b) maintain all equipment associated with the keeping of Pigeons under cover;

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- (c) lime wash, paint or disinfect the inside walls and ceilings of all Pigeon Enclosures;
- (d) remove and dispose of in a sanitary manner on a regular basis, at least twice each week, in a manner that will not create a public nuisance or health hazard, all Pigeon droppings and refuse within or adjacent to all Pigeon Enclosures and runs; and
- (e) store all Pigeon feed in rodent-proof containers.

### Containment

- 29. Pigeon Owners shall take all reasonable steps to ensure their Pigeons do not stray, perch, roost, nest or rest upon any premises other than on premises of the Pigeon Owner.
- 30. Pigeon Owners shall keep their Pigeons contained in a Pigeon Enclosure except when they are liberated in a controlled fashion using a one-way trap for re-entry into a Pigeon Enclosure.
- 31. No Pigeon Owner shall feed the Pigeons outside of their Pigeon Enclosure.
- 32. No Pigeon Owner shall keep any Pigeon afflicted with an infectious or contagious disease, unless under conditions approved by the Medical Officer of Health.

## PART IV – EXOTIC ANIMALS

### Definitions

- 33. In this Part,

“Exotic Animal” includes Prohibited Animals, Livestock and “wildlife” as that term is defined in the *Fish and Wildlife Conservation Act, 1997*, S.O. 1997, c.41;

“Exotic Animal Entertainment Event” means any exhibit, public show, circus, carnival or other display or act of entertainment or education using any live Exotic Animal and includes the use of any such animal in any film or television production within the Municipality;

“Permit” means a permit issued by the Municipal Clerk for an Exotic Animal Entertainment Event in accordance with this Part; and

“Permit Holder” means a person to whom a Permit has been issued and includes such person’s employees, directors and agents.



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### Permit Requirement

34. No person shall operate or carry on an Exotic Animal Entertainment Event without a Permit.
35. A separate Permit shall be required for each location at which an Exotic Animal Entertainment Event occurs.

### Permit Applications

36. Every Permit application shall,
  - (a) provide all of the information listed in Schedule "D";
  - (b) be accompanied by the fee prescribed for a Permit which is \$50.00;
  - (c) provide written proof, satisfactory to the Municipal Clerk, that the applicant is the owner of the property on which the Exotic Animal Entertainment Event is to occur or written permission from the owner of the property; and
  - (d) include such other information as the Municipal Clerk may require to properly assess the application.

### Permit Approvals

37. The Municipal Clerk may approve or refuse any Permit application, and may impose any conditions upon an approval as she determines to be appropriate.
38. A Permit shall be valid only for the date or dates, time or times, and location identified in the Permit.
39. Unless specifically provided otherwise, every Permit shall be subject to the following conditions:
  - (a) The Permit Holder shall indemnify and save harmless the Municipality from any and all claims, demands, causes of action, losses, costs or damages, including third party personal injury claims, that the Municipality may suffer, incur or be liable for resulting from the issuance of the Permit whether with or without negligence on the part of the Permit Holder.
  - (b) The Permit Holder shall only exhibit or use the number and type of Exotic Animals listed in the application.
  - (c) The Permit Holder shall only exhibit or use Exotic Animals using protective devices that are adequate to prevent the Exotic Animals from escaping or injuring the public.

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- (d) The Permit Holder shall provide the Exotic Animals with a species-appropriate living environment.
  - (e) The Permit Holder accepts full responsibility for any Exotic Animal that escapes from custody and agrees to take the necessary action to contain such Animal and to ensure public safety.
  - (f) The Permit Holder shall ensure that all enclosures used to keep the Exotic Animals are kept suitably illuminated and ventilated.
  - (g) The Permit Holder shall comply with all event plans included in the application.
  - (h) Upon being so ordered by any emergency services personnel (police, fire or health) or an Animal Services Officer, the Permit Holder shall immediately terminate the Exotic Animal Entertainment Event.
40. A Permit Holder shall comply with all conditions of a Permit.
41. The Municipal Clerk shall refuse to issue a Permit where,
- (a) the applicant is not at least 18 years of age;
  - (b) the applicant has not provided written proof of commercial general liability insurance in an amount of not less than \$5,000,000 with the municipality as an additional insured, from an insurer licensed to provide insurance in the Province of Ontario, covering the applicable time period of the permit;
  - (c) the Exotic Animals involved in the Exotic Animal Entertainment Event have not been inspected by an inspector appointed under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O.36; or
  - (d) the Exotic Animals involved in the Exotic Animal Entertainment Event have been inspected by an inspector appointed under the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O. 1990, c. O.36 and such inspector has determined that the applicant is not in compliance with such Act.
42. The Municipal Clerk shall not issue a Permit unless the Fire Department has provided written confirmation that they have no objection to the issuance of the Permit.
43. The Municipal Clerk may refuse to issue a Permit where,
- (a) the application is submitted less than 28 days before the Exotic Animal Entertainment Event is scheduled to occur; or

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- (b) the promoter of the Exotic Animal Entertainment Event is not a member of, or accredited by, either the Canadian Association of Zoos and Aquaria, or the American Zoo and Aquarium Association, or otherwise licensed by an appropriate authority.

### Revocation of Permit

- 44. The Municipal Clerk may revoke a Permit if,
  - (a) the Permit was issued in error;
  - (b) any condition contained in the Permit is not being complied with; or
  - (c) the Permit was issued as the result of false, mistaken, incorrect or misleading statements, information or undertakings in the application.
- 45. If a Permit is revoked, the application fee shall not be returned to the applicant.

### Exceptions

- 46. A Permit shall not be required for,
  - (a) petting zoos, agricultural shows or exhibits, pet shows and other like shows provided that the Animals used in the event are not Exotic Animals;
  - (b) public events involving Exotic Animals where the promoter of the event is (i) the Owner of the Exotic Animals; and (ii) the owner of premises in the Municipality that are exempt under clause (c), (d) or (e) of section 14; or
  - (c) public shows involving Exotic Animals that are under the care and control of a person who is exempt under clause (f) of section 14.

### Transfer

- 47. Permits are not transferable.

## PART V - ENFORCEMENT

### Inspections

- 48. An Animal Services Officer may, at any reasonable time, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
- 49. No person shall prevent, hinder, or interfere or attempt to prevent, hinder, or interfere with an inspection undertaken by an Animal Services Officer.

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**Offences and Penalties**

50. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

**PART VI - GENERAL**

**Short Title**

51. The short title of this by-law shall be the "Exotic Animal By-Law".

**Repeal**

52. By-law No. 93-161 is repealed.

**Effective Date**

53. This by-law shall be effective on the date that it is passed.

By-law passed this 4th day of June, 2012.

ORIGINAL BY-LAW SIGNED

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Schedule "A"

**Prohibited Animals**

CLASS	RESTRICTED	EXCEPTIONS
MAMMALIA (MAMMALS)	ALL	Domestic hamsters, mice, rabbits, rats, degus, gerbils, ferrets, chinchillas and guinea pigs.
REPTILIA (REPTILES)	ALL	Non-venomous constrictor serpents, other than a member of the Boidae, that are less than two (2) metres in length.  Non-venomous lizards that are less than two (2) meters in length from snout to tip of tail.
AMPHIBIA (AMPHIBIANS)	ALL	Non-venomous Anura (frogs and toads) and Caudate (salamanders and newts).
AVES (BIRDS)	ALL	Orders of birds kept as household pets including Passeriformes (perching birds and song birds), and Psittaciformes (parrots).  Pigeons as defined in section 23.
INSECTA (INSECTS)	ALL	All non-venomous insects including non-venomous Arachnida (spiders) and Chilopoda (centipedes)
CATEGORY	RESTRICTED	EXCEPTIONS
SALT AND FRESH WATER ORGANISMS	ALL VENEMOUS VERTEBRATES AND INVERTEBRATES	None

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Schedule “B”

**Livestock**

Set out in this Schedule are some of the names of animals included in the Order of animals referred to. The common names are provided for illustration purposes only and are not intended to limit the extent of the Order.

**Class:       Mammalia (Mammals)**

<b>ORDER: Artiodactyla: Even-toed hoofed Animals</b>	
Suidae	all pigs, warthog
Camelidae	llama, alpacas
Bovidae	sheep, goat, bison, cattle
<b>ORDER: Carnivora: Carnivorous land Mammals</b>	
Mustelidae	mink, fisher, marten
<b>ORDER: Perissidactyla: Odd-toed hoofed Animals</b>	
Equidae	horse, ass, mule

**Class:       Aves (Birds)**

<b>ORDER: Paleognathae or Ratites</b>	
Struthoformes	ostriches
Rheiformes	rheas
Casuariformes	cassowaries, emus
Apterygiformes	kiwis
Anseriformes	ducks, geese, swans, screamers
Galliformes	chickens, partridge, pheasants, grouse, guineafowls, turkeys

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Schedule "C"

**Impound Fee Schedule**

Impound Fee	\$50.00
Daily Care Fee (Every impounded Animal is subject to a charge for every day or part of a day after the day the Animal is impounded)	\$15.00/day
Third-party Daily Care Fee (Where a Prohibited Animal is impounded and a third party is contracted to care for the Animal, the third-party care fee shall be charged for every day or part of a day the Animal is cared for by the third party)	At cost as charged by the third-party

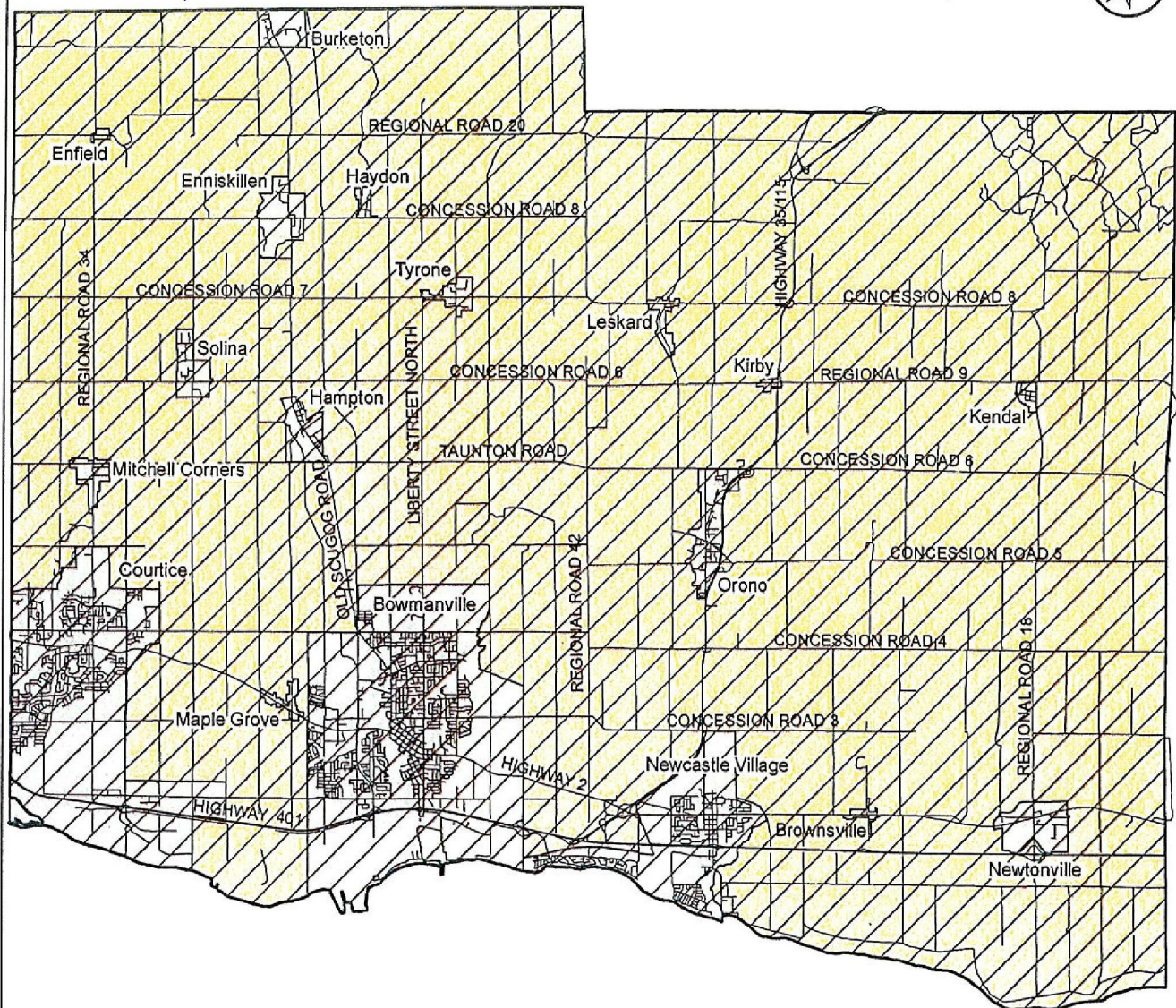
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**Schedule “D”**

**Exotic Animal Entertainment Event Permit Requirements**

Information to be included in an Exotic Animal Entertainment Event Permit Application:

1. Date(s) of the Exotic Animal Entertainment Event provided that, where the event occurs on more than one date, the dates are consecutive and do not exceed 3 days
2. Location of the Event
3. Name, address and phone number of the applicant
4. Name, address and phone number of the registered owner of the premises, and written permission of the owner if different than the applicant
5. Times of commencement and termination of the Event
6. Expected attendance at the Event
7. An inventory of the Exotic Animals which will be used in the Event including, for each Exotic Animal, the following information:
  - (a) species;
  - (b) description;
  - (c) age;
  - (d) gender;
  - (e) name;
  - (f) weight in kilograms; and
  - (g) a description of the performance or act in which the Exotic Animal is involved.
8. Event Plans including,
  - (a) the location and particulars of the premises where the Event is taking place;
  - (b) a description of the housing, cleaning procedures and general care of the exotic animals involved, which is appropriate to the species involved;
  - (c) the distance between the Exotic Animal acts and the spectators and crowd control measures;
  - (d) First aid logistics and medical equipment availability; and
  - (e) Protocol for controlling and containing any Exotic Animal.





- ☐ Not Permitted  
☒ Permitted only on lots 2ha or greater

Areas where the following are permitted:

- i) Commercial Falconry Licence
- ii) Wildlife Custodian Authorization for the keeping of:
  - a) Rabies Vector Species
  - b) Ungulates
  - c) Large Carnivores (excluding black bears)
  - d) Raptors

- ☒ Permitted

Wildlife Custodian Authorization permitted in all Zones for the keeping of:

- i) Mammalia (Mammals)
  - a) Small Mammals (Excluding RVS) Squirrels, Chipmunks, Rabbits
  - b) Small Carnivores (Excluding RVS) Mink, Weasel, Shrew
  - c) Semi Aquatic - Beaver, Muskrat
- ii) Ave (Birds)
  - a) Birds - Sparrow, Bluejay, Chickadee
- iii) Falconry Licensing Permitted Land Uses
  - a) Apprentice Licence
  - b) General Falconry License

Note: Set out in this Schedule are some of the names of animals included in the Order of animals referred to. The common names are provided for illustration purposes only and are not intended to limit the extent of the Order.

Adrian Foster, Mayor

June Gallagher, Deputy Clerk