

## The Corporation of the City of Pembroke

### By-Law Number 2008-48

**A by-law to amend By-law Number 2005-58, being a by-law to regulate the keeping and control of animals, or any class thereof, the animal identification system, licensing and restraint of dogs and cats and certain other aspects of animal control within the City of Pembroke.**

**Whereas** Section 10(1) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes a single tier municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

**And Whereas** Section 10(2) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes a single-tier municipality to adopt by-laws respecting animals;

**And Whereas** Section 103 of the Municipal Act, S.O. 2001, c.25, as amended, authorizes municipalities to pass by-laws regulating or prohibiting with respect to the being at large or trespassing of animals;

**And Whereas** the Council of the Corporation of the City of Pembroke deems it necessary to amend its Animal Control By-law Number 2005-58;

**Now Therefore** the Municipal Council of the Corporation of the City of Pembroke Enacts as Follows:

1. That Section 3, Keeping of Animals, of By-law 2005-58 as amended, be amended by deleting therefrom the following:
  - a) No person shall keep or raise any animal identified under Appendix "A" to this by-law on any lot or in any building or structure on such lot within the limits of the City of Pembroke.
2. That Section 3, Keeping of Animals, of By-law 2005-58, as amended, be amended by adding thereto the following:
  - a) No person shall keep or raise any animal identified under Appendix "A" to this by-law on any lot or in any building or structure on such lot within the limits of the City of Pembroke.
    - i. Any such classifications or types of animals as listed in Appendix "A" that have been found, seized or apprehended in any lot or in any building or structure on such lot within the limits of the City of Pembroke shall be considered the property of the City of Pembroke. The City of Pembroke reserves all options to itself when in possession of any such classifications or types. Any such classifications or types in the possession of the City may at the City's sole discretion, be placed into the care of an accredited zoo for the purposes of continuing life, or destroying said classifications or types.
    - ii. The City of Pembroke, its employees, agents, servants, and the Animal Control Officer shall not be held liable for damages or compensation for any classification or type listed in Appendix "A" that has been seized under the provisions of this by-law and no damages or compensation of any type or for any reason shall be paid to any individual, group, business, or corporation by the City of Pembroke.
  - d) Every person who keeps, owns or cares for an animal in the City of Pembroke shall ensure that such animal is not kept under

conditions where an accumulation of fecal matter, odour, insect infestations, or rodent attractants may disturb or is likely to disturb the enjoyment, comfort or convenience of a person or may endanger the health of a person or animal.

3. That Appendix "A" to By-law 2005-58 as amended, be amended by deleting therefrom the following:

It is prohibited to keep or raise any domestic animal, farm animal, wild animal, exotic animal, amphibian (except as permitted by By-law 2006-51), reptile (except as permitted by By-law 2006-51), arachnid, fish or insect including any tamed or domesticated wild animal or part wild animal on any lot or in any building or structure on such lot within the limits of the City of Pembroke that is included in this appendix hereunder and therefore it is prohibited to keep or raise:

Any animal included in the category:

Non-human primates (ie. Monkeys Chimpanzee)  
Wild canids (ie. Foxes, Wolves, Coyotes)  
Wild felids (ie. Leopard, Cougar, Lynx)  
Mustelids (ie. Mink, Skunks, Otters, Weasels, but excluding Ferrets)  
Reptiles (ie. Snakes, Alligators)  
Ungulates (ie. Horses, Cattle, Swine, Sheep, Goats – any hoofed animal)  
Raptors (ie. Falcons, Hawks, Owls)  
Galliformes (ie. Chickens, Quail, Pheasants, Turkeys, Guinea Fowl)  
Anseriformes (ie. Ducks, Geese, Swans)  
Columbiformes (ie. Pigeons)  
Arachnids (ie. Scorpions, Spiders)  
Dangerous Fish (ie. Piranha, Electric Eels)  
Bees  
Insects (ie. Cockroaches, Ants)  
Prohibited Pit Bull dog

4. That Appendix "A" to By-law 2005-58 as amended, be amended by adding thereto the following:

It is prohibited to keep or raise any domestic animal, farm animal, wild animal, exotic animal, amphibian (except as permitted by By-law 2006-51), reptile (except as permitted by By-law 2006-51), arachnid, fish or insect including any tamed or domesticated wild animal or part wild animal on any lot or in any building or structure on such lot within the limits of the City of Pembroke that is included in this appendix hereunder and therefore it is prohibited to keep or raise:

1. All protected or endangered animals being all animals, native or non-native, whose possession or sale is prohibited because they are designated or protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the animal has been obtained in accordance with international, federal, or provincial law as applicable, and if the animal is not identified in Appendix "A".
2. All dogs, other than domesticated dogs (*canis familiaris*), including but not limited to: wolf, fox, coyote, hyaena, dingo, jackal, raccoon dog, bush dog, and any hybrid offspring of a wild dog and domesticated dog.
3. All cats, other than domesticated cats (*felis catus*), including but not limited to: lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, and any hybrid offspring of a wild cat and domesticated cat.

4. All bears, including but not limited to: polar, grizzly, brown and black bear.
5. All fur bearing animals of the family mustelidae, including but not limited to: weasel, martin, mink, badger, ermine, skunk, otter, pole cat, wolverine, except the domestic ferret (*putorius furo*).
6. All procyonidae, including but not limited to: racoon, kinkajou, cacomistle, cat bear, panda, and coatimundi.
7. All carnivore mammals of the family viverridae, including but not limited to: civet, mongoose and angente.
8. All bats (chiroptera).
9. All non human primates, including but not limited to: monkey, ape, chimpanzee, gorilla, and lemur.
10. All squirrels (sciuridae).
11. Reptiles (reptilia):
  - a) all helodermatidae (gila monster and Mexican bearded lizard);
  - b) all front fanged venomous snakes, even if devenomized, including but not limited to:
    - i. all viperidae (viper, pit viper);
    - ii. all elapidae (cobra, mamba, krait, coral snake);
    - iii. all atractaspidae (African burring asp);
    - iv. all hydrophiidae (sea snake); and
    - v. all laticaudidae (sea krait).
  - c) all venomous mid or rear fanged, duvernoy-glanded members of the family colubridae even if devenomized;
  - d) any member of the family boidae;
  - e) any member of the family pythonidae;
  - f) any member of the family varanidae including but not limited to: white throated monitor, the water monitor, the komoda monitor or dragon, the bornean earless monitor, the nile monitor, and the crocodile monitor.
12. Birds (aves):
  - a) all predatory or large birds (accipitridae, cathartidae), including but not limited to: eagle, hawk, falcon, owl, vulture, and condor;
  - b) all anseriformes, including but not limited to: ducks, geese and swans;
  - c) all Galliformes, including but not limited to: pheasants, grouse, guinea fowl, and turkeys;
  - d) all struthioniformes, including but not limited to: flightless ratis such as ostriches, rheas, cassowaries, emus, and kiwis; and

- e) all Columbiformes, including but not limited to: pigeons.
  - 13. All arachnida, chilopoda, and venomous arthropods, including but not limited to: centipede, spider and scorpion.
  - 14. All large rodents (rodentia), including but not limited to: gopher, muskrat, paca, groundhog, marmat, beaver, prairie dog, and porcupine.
  - 15. All even toed ungulates (artiodactyla), including but not limited to: domestic sheep, antelope, giraffe, and hippopotamus.
  - 16. All odd toed ungulates (perissodactyla), including but not limited to: domesticated horses, zebra, rhinoceros.
  - 17. All marsupials, including but not limited to: tazmanian devil, bandicoot, kangaroo, wallaby, possum, wombat, koala bear, cuscus.
  - 18. All sea mammals (cetacean, pinnipedia, and sirenia), including but not limited to: dolphin, whale, seal, sea lion, and walrus.
  - 19. All elephants (proboscides).
  - 20. All hyraxes (hyracoidea).
  - 21. All pangolin (pholidota).
  - 22. All sloth and armadillo (edental).
  - 23. All insectivorous mammals (insectivore), including but not limite to: aardvark (tubulidentata), anteater, shrew, otter shrew, mole, and hedgehog.
  - 24. All gliding lemurs (dermoptera).
  - 25. All dangerous fish, including but not limited to: piranha, electric eel.
  - 26. All insects, including but not limited to: cockroaches, ants, bees.
  - 27. All prohibited pit bull dogs (not grandfathered).
  - 28. All other venomous, poisonous or constricting animals.
5. This by-law shall come into force and take effect upon the date of the final passing thereof.

**Read a first and second time this 8<sup>th</sup> day of July 2008**

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Mayor

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Chief Administrative Officer/Clerk

**Read a third time and passed this 8<sup>th</sup> day of July 2008**

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Mayor

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Chief Administrative Officer/Clerk